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R5

R4

300C8-1

M2-2

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rezoning new york city

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A Guide to the Proposed Comprehensive Amendment of the Zoning Resolution of the City of New York

rezoning new york city

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INTRODUCTION

This booklet is intended to serve as a guide to the City Planning Commission's proposed Zoning Resolution. In this connection, we are anxious to have everyone who lives and works in New York understand our goals and concepts because in the final analysis, zoning is for people.

What does this resolution seek to do?

- It marks an historic effort by the City of New York to present an official zoning concept which embraces the total impact of building upon the City and its many parts.
- It abandons the shortsighted approach of controlling the shape of a single building on one lot — it steps back to view and regulate the effects of this same building, not only upon its lot, but upon its environment.
- It considers a neighborhood in the light of historical development and future need. Through balanced and related controls it establishes acceptable standards of light, air and open space; it sets limits on building bulk; it provides for parking, and fixes density guidelines to prevent overcrowding and overtaxing of service facilities.
- It provides sensible regulations to accommodate large-scale construction.
- It encourages imaginative planning by relieving the architect of illogical controls which produce stereotyped designs.
- It seeks a balance between the economics of office building development and the needs of millions of office workers who compete each day for space on the sidewalk or a foothold on the subway.
- It takes into account the problems of the largest manufacturing city in the nation and sets aside appropriate areas where industry can locate, expand and be protected.

- It establishes performance standards for manufacturing and industrial uses, so that we will not look upon industry as a nuisance, but as an asset — doing the best job possible where it can best be done.

Our 1916 Zoning Resolution, the first of its kind in this country, no longer serves us as a constructive guide to building. Weighted down and distorted by countless changes and amendments, the now archaic zoning laws are costly to the City in terms of money, time and, most of all, the welfare of its residents. What is the price we are paying?

— We see overbuilding and congestion in some sections; vacant, blighted conditions in others.

— We lose competitive ground every time our zoning permits the usurping of scarce sites needed for employment-giving and tax-paying industries.

— We invite paralysis because we have no logical provisions for parking vehicles which grow in size and number each year.

— We handicap our commercial and retail businesses by strip zoning — uneconomic, inadequate and wasteful.

— We have handicapped our architects by imposing stringent controls on height and shape of structures, which often lead to monotonous conformity of building.

The major weaknesses of the existing resolution cannot be corrected because they are built into its basic framework. Attempts to make new districts or change old ones inevitably results in confusion and contradiction. This lack of internal coordination also reflects the fact that the old resolution is based on “taboos” — no stables in restricted retail districts, for example — and helpless at the outset when stables depart and garages come in.

Putting our zoning on a permissive basis — that is, spelling out specifically what can go into a given area — will always keep us abreast of the times.

PREPARING THE RESOLUTION

The need for a modern Zoning Resolution for the City of New York has been apparent for many years. Previous attempts to seek a thorough revision of the present resolution have been frustrated, largely because there were some who felt they could profit on the weaknesses of the existing resolution; others who opposed change in general; City leadership that was indifferent to new zoning, and a general public that was equally apathetic or misinformed. The last two factors, at least, have changed. Under the leadership of Mayor Robert F. Wagner — who himself launched the Planning Commission's first effort for modern zoning in 1948 — and bolstered by an informed and enthusiastic public, we are confident that an efficient Zoning Resolution will soon be a reality.

The first step in carrying out this new Resolution came in August 1956 when the Board of Estimate, acting on the recommendation of the Mayor and the City Planning Commission, approved funds for a complete study and report on a new Zoning Resolution. Voorhees Walker Smith and Smith, an architectural and planning firm, was selected as consultants to carry out this assignment. The consultants, operating in close cooperation with staff of the Department of City Planning, worked for almost two years on the project. During this time a first-hand examination was made of virtually every block — developed or undeveloped — in the City. Mapping was based on studies made on foot, by auto, by boat and by helicopter. The product of this study, "Zoning New York City," was

submitted to the Planning Commission and published in February 1959.

The proposal, termed a "desirable and fresh approach" by the American Institute of Architects and hailed by major housing, planning and civic groups, was subjected to intensive hearings in every borough and on every aspect of its coverage. Civic, professional and business groups offered intelligent and helpful recommendations. Organizations such as the New York City Bar Association and the Citizens Union suggested legal changes which the Commission has incorporated in its Resolution.

Altogether, the Planning Commission and its staff held seven informal public hearings, more than 750 conferences and meetings with groups and individuals, received well over 1,000 communications and reports on zoning changes and rechecked several thousand miles of streets in remapping studies.

Last June, the Planning Commission announced that the proposed zoning would become effective one year after approval by the Board of Estimate, but not before July 1, 1961, "to insure maximum stability in the building and real estate industries during the important transition period."

CHANGES IN THE RESOLUTION

The Planning Commission used the consultants' proposal as a basis for this Resolution, but took nothing for granted. The new Resolution differs considerably from the Voorhees Walker Smith and Smith proposal, but the basic concepts remain: a single-map system with direct controls on permitted use, maximum bulk and density, and parking. The emphasis remains on achieving realistic densities in any given district while permitting city-wide

population growth well beyond any anticipated increases for the next several decades.

The changes as indicated in the proposed Resolution reflect what we believe are equitable adjustments, revisions and clarifications in terms of the economic, social and technical goals of good zoning.

There were 723 requests for map changes ranging from single lots to whole sections, received or recommended by the Commission. Of these, 366 — affecting some 500 districts — were granted: 50 in Richmond, 59 in the Bronx, 59 in Manhattan, 93 in Brooklyn and 105 in Queens. In general, these changes adjusted bulks and densities in apartment house areas to reflect the influence of land costs and other economic factors and to extend the protection of low bulk and density regulations to additional residential districts outside the core of the City.

A new R9 District, suggested by the American Institute of Architects, was added to fill a gap in maximum Floor Area Ratio between the former R8 and R9 Districts. The latter is now designated as R10. Floor Area Ratio (FAR) is indicated by decimals — .50 or 15.00 instead of the consultants' 50 or 1500.

Following the suggestions of architectural groups and builders, the density regulations were restated and simplified. FAR, Open Space Ratio, and Lot Area per Room regulations are now geared to building heights. Accompanying charts will help the builder determine more rapidly what controls apply. Bonuses for added open space are built into the interrelated controls. Plaza bonuses were increased and arcade bonuses added. Density regulations are expressed in a single factor of required lot area per room, eliminating the need for varying the room factor according to size of apartment.

Commercial Districts were subject to adjustments in use, bulk and parking regulations, with attention to the needs of districts in the more congested sections of the City. In Manufacturing Districts, mapping of M2 and M3 areas was extended to meet additional need. Also, manufacturing performance standards were simplified and revised with the assistance of the Departments of Air Pollution Control and Health.

Legal aspects of the Resolution, including enforcement, administration and non-conforming uses, were carefully reviewed and revised. It was decided for example, to reject the recommendation for a Zoning Administrator. Legibility was considered — the new zoning maps will be twice the scale of those in the earlier proposal.

DELAY IS HARMFUL

As we have pointed out many times before, zoning is not a cure-all for every municipal problem. But it does represent part of a pattern of planned growth that will serve as a guideline to a City whose continuing strength, vitality and pre-eminence is blunted by blight, congestion and overcrowding. This new Resolution, firm and yet flexible, is designed for a dynamic city. It will insure as we continue to build and rebuild, that we will have strength, resiliency and the ability to cope with change.

It is not too late to establish modern zoning in New York. Every delay, however, will make any attempt to plan a better city that much more difficult, and prove more costly to the welfare of our residents, our commerce and industry, and to our reputation as the world's greatest metropolitan center.

James Felt

MAPPING THE CITY

Blueprint for Logical Development

Zoning regulations are just so much theory until specific maps are drawn to define the districts affected by the regulations. The practical impact upon a district, once defined on a zoning map, is of such importance that the greatest amount of time and care necessarily went into mapping.

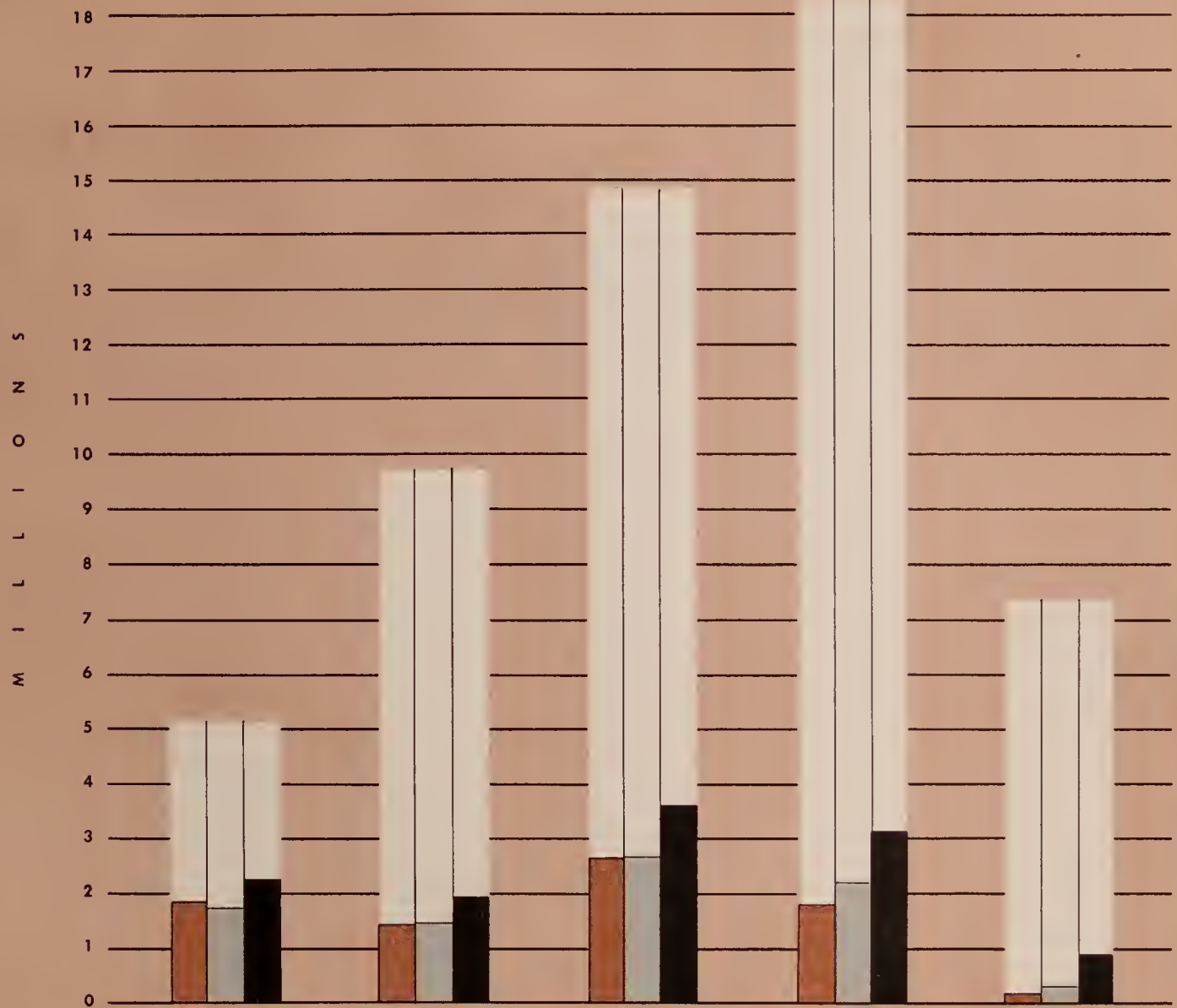
It has been noted that the maps prepared for this Resolution are the product of years of field study and research, checking and re-checking, and of hundreds of meetings and consultations with the public. Trained teams were assigned to each borough and by means of careful supervision the necessary balance between desirable uses of land and existing field conditions was worked out. The sum of this effort was an entirely new set of mapped districts based as accurately as possible on population trends and future land needs in the City to answer such basic questions as: How many people are likely to be living and working in the City? How much land will they need for residence, for industry and for shopping and community facilities?

The mapping operation involved not only new districts, but the reduction of the City's zoning regulations from the present cumbersome three-map system to a single-map system. In addition to its convenience of use, the one-map system has the further advantage of combining a carefully related set of use, bulk, density and parking regulations for each of a limited number of districts, compared to the 286 actual combinations of use, height and area found in the existing maps.

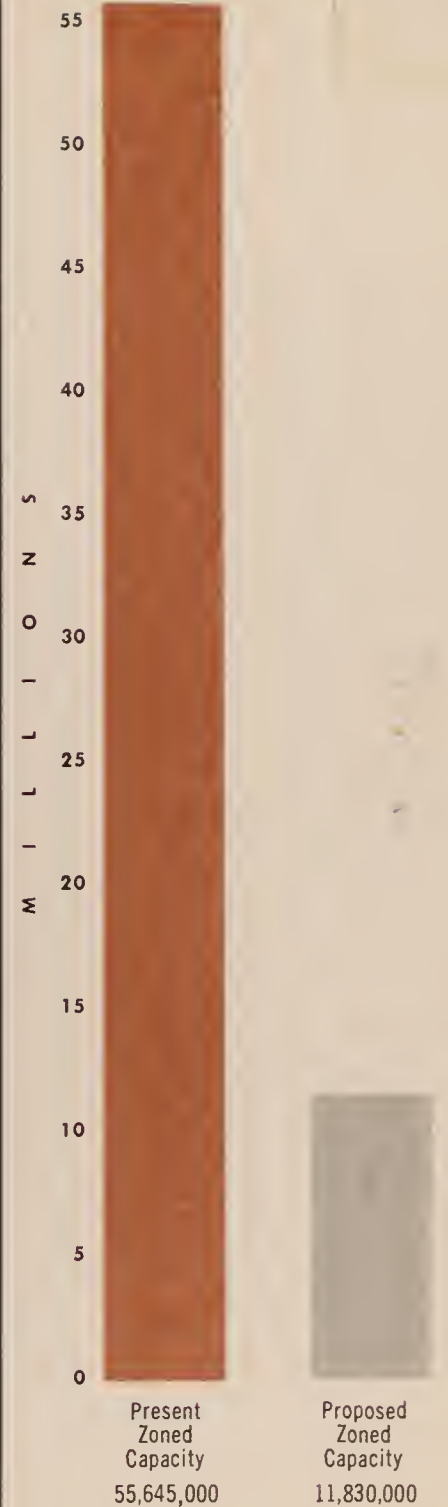
New York's present zoning maps are ill-adapted to the needs of the City and lack a sensible and rational view of the needs and the potential of the land in the City. Some examples of the more serious deficiencies include:

1. The present bulk regulations (area and height districts) would permit at maximum development a monster city of 55 million residents and 250 million workers.
2. Strip commercial districts are seriously overzoned. Districts currently designated for commercial use comprise an area 200 per cent greater than is now being used for commercial purposes.
3. Districts as designed and mapped give inadequate protection to adjacent districts. Unrestricted Districts, for example, are mapped next to residential areas, despite the fact that the most noxious and undesirable uses are permitted to locate in these districts.
4. The land needs of industry, especially in outlying areas, have been ignored. Unrestricted Districts have been "invaded" by residential development, depriving industry of valuable expansion space.
5. Many commercial and industrial areas are zoned to inadequate depth to serve modern commercial and industrial activities.
6. Because three maps are required for reference, there are many inconsistencies and a general lack of coor-

POPULATION AND ZONED CAPACITY



PRESENT ZONED CAPACITY	5,180,000	9,790,000	14,850,000	18,400,000	7,425,000
1957 POPULATION	1,818,000	1,436,000	2,623,000	1,780,000	213,000
1975 POPULATION (EST.)	1,725,000	1,475,000	2,625,000	2,200,000	315,000
PROPOSED ZONED CAPACITY	2,230,000	1,990,000	3,580,000	3,130,000	900,000



1957 Population 7,870,000
1975 Population (estimated) 8,340,000
New York City Totals

LAND USE AND PROPOSED ZONING

T H O U S A N D S O F A C R E S

0 5 10 15 20 25 30 35 40 45 50 55 60 65

RESIDENTIAL

Land in Residential Use, 1950

46,766

Required in 1975

58,661

Proposed Zoning

66,300

COMMERCIAL

Land in Commercial Use, 1956

5,792

Present Zoning

18,820

Proposed Zoning

10,800

MANUFACTURING

Land in Manufacturing Use, 1956

11,810

Required in 1975

13,192

Proposed Zoning

17,200

This chart demonstrates that the proposed zoning is realistic in terms of present and anticipated land needs; note present wasteful overzoning of commercial land.

dination in control. Attempts to solve specific problems by creating “new” districts have often resulted in a patchquilt effect that finds similar areas with similar needs zoned in different districts.

GUIDING PRINCIPLES

Some of the basic principles guiding the drawing of the new zoning maps are:

- Designation of Manufacturing Districts with the awareness that New York, like most cities, suffers from a shortage of industrial land. New one-story plants, needs for off-street parking and loading facilities and normal expansion all require additional industrial space. A review was made of all vacant areas of the City to select land which would provide attractive sites for modern industrial plants.
- Careful attention was paid to achieving maximum compatibility between districts by buffering residence districts from heavy manufacturing districts with high performing light industry districts or appropriate commercial districts.
- Returning appreciable amounts of sterile commercial strip zones to better uses. The overzoning of commercial land (18,820 acres zoned and only 5,792 acres in use) has resulted in land waste and, even when developed, in familiar “store to-let” signs dotting the avenues.
- Increasing in general the depths of the commercial and manufacturing districts to create room for expansion, for

larger new establishments and for off-street parking and loading. When possible, zoning of manufacturing districts of shallow depths parallel to highways and railroads was avoided.

- Districts permitting automobile repair and similar heavy services were located, where possible, so that the impact of truck traffic and noisy service operations on nearby residences would be minimized.
- Assignment of low bulk designations to industrial areas adjacent to residential areas to achieve maximum compatibility between districts. The adverse effects of both massive industrial buildings and large concentrations of people were thereby eliminated.
- Designation of Residence Districts, which contain controls over population density, was made with two primary goals in mind:
 - a. To maintain a working balance between the number of people living in an area and the capacity of the City to furnish such public services as water, sewers, streets, schools and other community facilities.
 - b. To prevent excessive conversion in some sections of large apartments into smaller units, resulting in overcrowding and substandard conditions.
- Factors determining the degree of density for an area included: nearness to rapid transit or commuter railroad lines, availability of community facilities, and topography. In the last case, areas characterized by steep slopes or poor subsoil were considered generally for low bulk and density.

STRUCTURE OF THE RESOLUTION

A modern Zoning Resolution can be neither simple nor brief. It can, however, be convenient to use and easy to understand while dealing with complex problems.

GENERAL STRUCTURE

The Resolution consists of seven Articles:

I. General Provisions, including definitions and interpretations

II. Residence District regulations

III. Commercial District regulations

IV. Manufacturing District regulations

V. Non-Conforming Uses and Non-Complying Buildings, including regulations on continuance, change or termination of such uses

VI. Special Height Regulations Around Major Airports

VII. Administration, including enforcement, appeals, variances, special permits and amendments

These Articles are followed by the zoning maps and an Index of Uses.

ONE SET OF MAPS

A single set of maps covering the City's entire land area replaces the present three sets of separately-bound maps—one set for use, one for height, and one for area regulations. This system was reasonable in 1916 when there were fewer complexities to deal with, but has led to the morass of 286 district combinations presently mapped, with over 1,000 possible. For easy reference, the maps have been drawn in a set of 35 sections of four quadrants each.

COMPREHENSIVE ARTICLES

All use, bulk and parking regulations applying to either Residence, Commercial or Manufacturing Districts will be found in the appropriate Article. Though this repetition lengthens the Resolution, it makes the document much easier to read and reduces cross-references to a minimum.

NUMBERING SYSTEM

Each part of the Resolution is identified by a number. The first two digits signify the article and chapter, the others noting the section (e.g. 33-12). Major sections have four digits; sub-sections have five digits (e.g. 33-121).

DEFINITIONS

All words used in a specifically defined sense are italicized. Definitions of these words, such as *basement*, *cellar*, *dwelling unit* and *floor area ratio*, are given in Article I. For convenience, key definitions are repeated in certain of the sections.

DISTRICT SYMBOLS

Each district is designated by one letter plus one or two numbers. The first shows the general use classification — R for Residence, C for Commercial, and M for Manufacturing. Residence Districts (with one exception) have one number, indicating levels of permitted bulk and density and required parking, while most Commercial and all Manufacturing Districts have two numbers — the first indicating uses and the second permitted bulk or required parking or both. A second number also is used

in R7 districts to indicate different parking requirements.

THE COLUMNAR CHART

The Columnar Chart along the righthand margin in Articles II, III and IV singles out the districts to which each section applies, and therefore makes it possible to by-pass provisions not applicable to a particular district.

TABLES, DIAGRAMS, AND CHARTS

Many of the regulations are presented in tabular form and are supplemented by drawings and diagrams. Some of these appear in this book. In each case the objective has been to make the provisions as easy to understand and as simple to use as possible.

INDEX OF USES

A comprehensive alphabetical index of all uses, showing the Use Group in which each is included, the districts in which it is permitted, and its parking requirements category if applicable, serves as a direct aid to the use of the Resolution and is located in an Appendix.

HOW TO USE THE RESOLUTION

The Resolution provides both for easy determination of the type and intensity of use permitted on a specific parcel, and for location of the areas in which a particular residential, commercial or manufacturing activity may be placed.

1 To find out what may be built on a specific piece of land:

- Note in which district the land is located (follow directions on next page).
- Turn to the Article indicated by the district symbol (R—Residence; C—Commercial; M—Manufacturing).
- Check the Use Group chart in the appropriate Article to learn which Use Groups are permitted in the district.
- Read the sections on these Use Groups to see which uses are permitted as a matter of right. Some uses, such as radio towers and large parking garages, require a special permit.
- Read the parts of the Article indicated by the columnar chart as applying to that district. Where no columnar chart is used, the provisions apply to all districts under that Article.

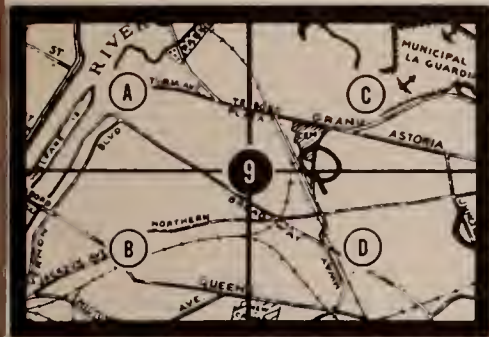
2 To learn where a specific use may be located:

- Turn to the Index of Uses, located in the Appendix, to learn which Use Group and parking category it is in, and in which districts it is permitted.
- Examine the maps. The intended use may be located wherever these districts are found.
- Read the appropriate Article for bulk and parking regulations applying to that use in the available districts.

INDEX														
Use	Use Group	Park- ing Re- quire- ment Cate- gory	Districts in Which Permitted											
			R1 R2	R3 to R10	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2 M3
Advertising displays manufacture	17												M1 M2 M3	
Agricultural machinery manufacture, including repairs	18													M3
Agriculture				R3										
With nuisance or sales limitations	4		R1 R2	to R10	C1	C2	C3	C4	C5	C6	C7	C8	M1 M2 M3	
Without nuisance or sales limitations	17												M1 M2 M3	
Aircraft manufacture (including parts)	17												M1 M2 M3	
Airports													* * *	M1 M2 M3
Amusement parks, child- ren's (See children's amusement parks)														

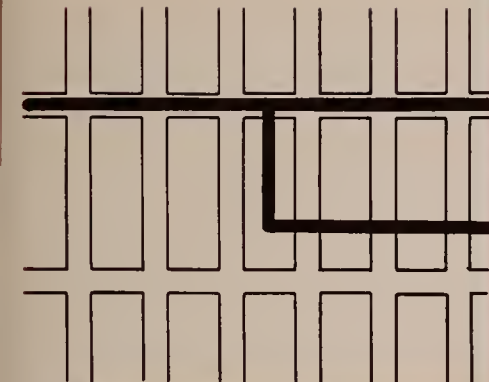
HOW TO READ THE ZONING MAPS

1



Locate the area on the base map of the City and note in which of the 35 sections it falls. Each section is divided into four quadrants, marked a, b, c and d.

2



Turn to the indicated map and locate the property. Solid lines indicate the boundaries of Residence, Commercial and Manufacturing Districts.

3



A letter signifies the general use classification — R for Residence, C for Commercial, M for Manufacturing.

4



The first number refers to the particular range of permitted uses. In Residence Districts, it also denotes bulk and parking regulations.

5



An additional number in most Commercial and all Manufacturing Districts indicates bulk and parking controls. This second number is also used in R7 districts to indicate parking requirements.

6



Patterns indicate Local Retail (C1-1 through C1-5) and Local Service (C2-1 through C2-5) within Residence Districts. A key to these patterns is placed at the bottom of each map.

USE REGULATIONS

What Goes Where

A primary consideration of zoning is the determination of how land shall be used, and where the every-day activities of city life are to be carried out. The guiding use principles in the proposed Resolution are:

1. Safeguarding residential, commercial, industrial and other urban land needs
2. Placing each use in harmonious surroundings where it can give maximum performance and service
3. Defining clearly all uses permitted in any area.

The 1916 zoning resolution is based on a concept of priority, with protected “privileged” areas and “unrestricted” districts — originally intended for industry, but in fact a poaching ground for all types of uses. As a result, we often find a hazardous, unhealthful and uneconomic mixture of housing, factories and stores. To overcome this problem, the proposed Resolution sets forth

clearly circumscribed areas for residential, commercial and industrial use. These are known as Use Districts. Each District receives equal consideration in terms of its needs and its importance.

Our old zoning resolution also lists only prohibited uses in certain districts, a practice that leads to loophole evasion because we can't keep up with new and changing uses. Drive-in movies, auto laundries and motels are examples of uses which generate traffic and other problems and were able to locate in unsuitable districts before regulatory amendments could be adopted. The present emphasis is on permissive zoning. This Resolution lists all known and anticipated uses — which are classified into Use Groups — and specifies in which districts these uses are permitted. As a new use comes upon the scene an official determination will be made, in the form of an amendment, as to where it can best fulfill its function and be most compatible with its surroundings.

USE DISTRICTS

There are 13 use districts proposed: two residential, eight commercial and three manufacturing. The residential use districts are classified as single-family detached residence districts (R1 and R2) and general residence districts (R3 to R10). Commercial districts range from local shopping areas to heavy service areas — all structured to be compatible with uses in adjacent areas and to be good neighbors within the district. Three manufacturing districts range from M1 (high performance) to M3 (low performance).



A wholesale produce market in the middle of a high-class restricted retail section would be permitted by existing zoning regulations.

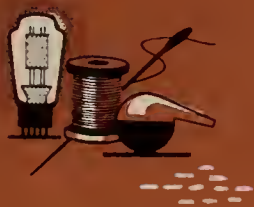
RESIDENCE



COMMERCIAL



MANUFACTURING



USE DISTRICTS

R1 and R2

SINGLE-FAMILY DETACHED RESIDENCE DISTRICTS. Permit single-family detached residences; community facilities serving residential areas or needing a residential environment for effective functioning and creating no significant objectionable influences.

R3 to R10

GENERAL RESIDENCE DISTRICTS. Permit various types of residential structures, conditioned by bulk and parking regulations, and community facilities allowed in R1 and R2.

C1

LOCAL RETAIL DISTRICTS. Local shopping. Include a wide range of retail stores and personal service establishments. Typical uses: food stores, barber shops, beauty parlors, drug stores, shoe or hat repair shops, small clothing or dry goods stores.

C2

LOCAL SERVICE DISTRICTS. Wide range of local service establishments not regularly visited in day-to-day shopping. Typical uses: small contractors' establishments, small moving or storage offices, exterminators, small sign painting shops, window shade or awning shops.

C3

WATERFRONT RECREATION DISTRICTS. Pleasure boating and fishing including the rental, servicing and storage of boats in appropriate waterfront areas, usually adjacent to residential development.

C4

GENERAL COMMERCIAL DISTRICTS. Occasional family shopping and essential business services, characterized by a substantial number of large stores generating considerable traffic. Typical uses: department stores, furniture, appliance, and carpet stores; theaters; commercial parking lots and garages.

C5

RESTRICTED CENTRAL COMMERCIAL DISTRICTS. Office buildings, department stores, and other related retail and wholesale activities of city-wide, or national significance; a few high-value custom manufacturing uses, such as custom clothing manufacturing, jewelry or watch making, and the making of precision instruments and optical goods; and a great variety of services essential to the needs of such an area.

C6

GENERAL CENTRAL COMMERCIAL DISTRICTS. In addition to uses allowed in C5 Districts, permit full range of commercial activities requiring a central location, including all amusement, service, and repair uses permitted in C2, and the large entertainment uses allowed in C4.

C7

COMMERCIAL AMUSEMENT DISTRICTS. Provide for large, noisy, traffic-generating uses such as large amusement parks of the type found in Coney Island. Such uses would be objectionable in all other Commercial Districts, and a special district is needed.

C8

GENERAL SERVICE DISTRICTS. Furnish services for a wider area than in C2 Districts, including services creating objectionable influence such as noise, truck traffic, and other related effects, although needed in proximity to residences and business they serve. Typical uses: automobile service stations, small welding and machine shops, large laundries and dry cleaning establishments.

M1

LIGHT MANUFACTURING DISTRICTS (HIGH PERFORMANCE). Activities (except storage) within completely enclosed buildings. Often provide buffers between Residence or Commercial Districts and M2 or M3 Manufacturing Districts. Typical uses include research laboratories, manufacturing of apparel or textiles, electronic equipment, pharmaceutical and wholesale service facilities.

M2

MEDIUM MANUFACTURING DISTRICTS (MEDIUM PERFORMANCE). Manufacturing and related uses with performance characteristics less desirable than those permitted in M1 but not as objectionable as M3 Districts permit. Enclosure of activities in buildings is normally not required except along the boundary of a Residence District. Industries permitted in M1 Districts but unable to meet M1 performance standards might well be appropriate in M2, as would industries which can upgrade their performance to M2 levels.

M3

HEAVY MANUFACTURING DISTRICTS (LOW PERFORMANCE). Accommodate the essential heavy industries which cannot reasonably be expected to conform to performance standards appropriate for most other types of industrial activity. Typical uses include chemical manufacturing, power plants, foundries and junk yards.



New uses arose in districts where they were unsuitable because existing zoning could not prevent it.

USE GROUPS

Zoning Building Blocks

Approximately 425 different kinds of activities performed as part of our City's daily operations are listed in the Resolution. These are combined into 18 packages of kindred or compatible uses, known as Use Groups. The Use Groups are like building blocks. They can be arranged in different combinations to serve the purposes of the various use districts.

With the exception of R1 and R2 (single family residences), the various residential districts all permit the same uses, but are distinguished one from the other by interlocking controls regulating bulk, density and open space required. All Commercial Districts, except C8, permit all types of residences as well as all uses permitted in residential districts. Residential and community facility uses are excluded from all Manufacturing Districts, except that Use Group 4 (hospitals, churches, welfare centers, etc.) are permitted in M1. All manufacturing and related uses must conform to a district's performance standards. A use permitted in M3 may go into M2 or M1 if it can meet the performance standards.

Description of Use Groups

Use Group 1

Single-family detached residential development.

Use Group 2

All other types of residential development designed for permanent occupancy.

Use Group 3

Community facilities such as schools, libraries, or museums, which serve educational or other essen-

tial neighborhood needs or can function best in a residential environment, and are not objectionable in residential areas.

Use Group 4

Other community facilities, such as churches, community centers, or hospitals, which provide recreational, health, or other essential services for residential areas or can function best in a residential environment, and are not objectionable in residential areas.

Use Group 5

Transient hotels. Permitted in all Commercial Dis-

tricts, except C3, but not in Residence or Manufacturing Districts.

Use Group 6

Retail and service establishments, such as food and small clothing stores, beauty parlors, dry cleaners, etc. which are needed to serve local shopping needs.

Use Group 7

Home maintenance and repair services like plumbing and electrical shops which are needed to serve nearby residential areas. These uses would be incompatible in prime retail shopping areas, because they interrupt the continuity of retail frontage.

Use Group 8

Amusement establishments such as small bowling alleys, and service uses such as upholstery and appliance repair shops, which appropriately serve nearby residential areas. Also suitable in secondary and major centers. They are not appropriate in local shopping areas or in the highly restricted central commercial areas.

Use Group 9

Services to business establishments and other services which depend on trade from a large area. They are therefore appropriately located in secondary, major, and central commercial areas and their peripheral service areas.

Use Group 10

Large retail establishments, such as department stores, which serve a large area. Appropriate in secondary, major and central shopping areas, but not in local shopping or local service areas because of the harmful effects of a large volume of traffic attracted from outside the neighborhood.

Use Group 11

Custom manufacturing activities, such as art needlework and jewelry manufacturing from precious metals, which have no significant objectionable effects and generate very little truck traffic. These establishments can best serve their customers from a central location, and are therefore appropriate in the central commercial areas.

Use Group 12

Large entertainment facilities, such as arenas and indoor skating rinks, which draw large numbers of people from a wide service area and generate high traffic volumes. Appropriate in secondary, major and general central commercial areas but not in local commercial areas nor in the restricted central commercial areas.

Use Group 13

Low coverage or open uses such as golf driving ranges, children's small amusement parks, and gasoline service stations. These are all uses which at-

tract customers for special purposes not associated with retail shopping.

Use Group 14

Facilities for boating and related activities which are suitable in waterfront recreation areas.

Use Group 15

Large commercial amusement establishments, including the typical Coney Island attractions. They generate considerable noise and traffic and are appropriate only in a few designated areas like Coney Island or the Rockaways.

Use Group 16

Semi-industrial uses, including automotive and other services, such as custom woodworking shops, welding shops, etc., which typically involve offensive

noise and other objectionable influences. They are required to serve residential and commercial areas throughout the city, but are not compatible with residential uses or with other types of commercial development.

Use Group 17

Manufacturing uses which can normally conform to high performance standards by controlling objectionable influences and in so doing make them compatible to adjacent residential areas.

Use Group 18

Industrial uses which either involve considerable danger of fire, explosion, or other hazards, or cannot be designed without appreciable expense to conform to high performance standards with respect to the emission of objectionable influences.

USE GROUPS PERMITTED IN ZONING DISTRICTS

[illegible]



INDUSTRIAL USES

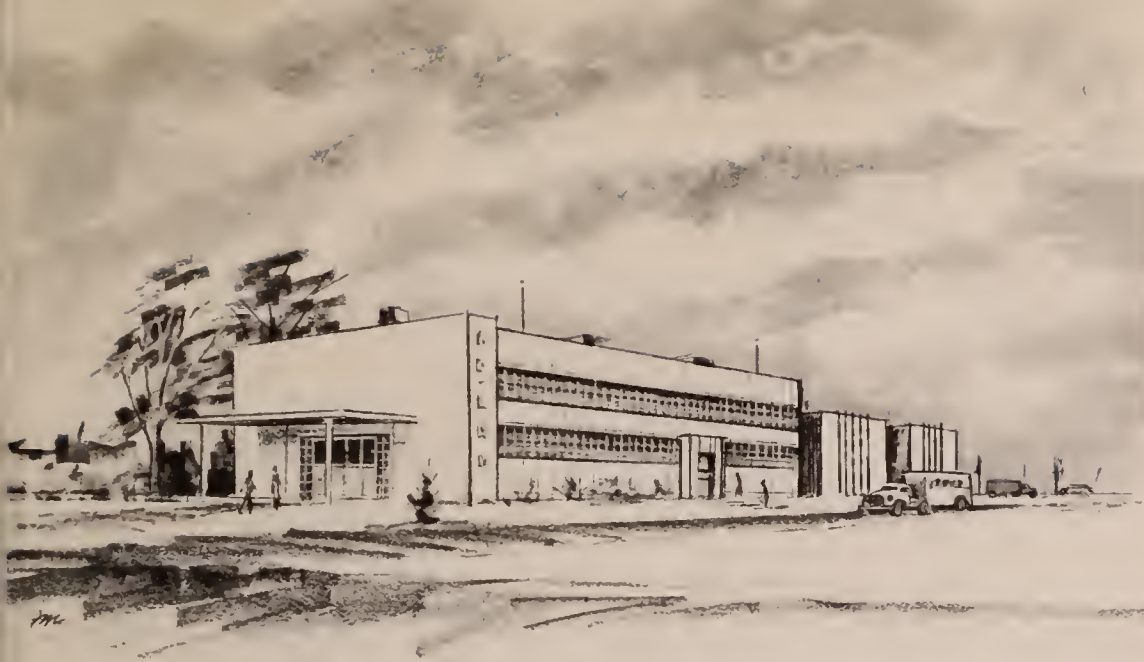
Industry as a good neighbor

The three Manufacturing Districts (M1, M2, M3) incorporate regulations based both on lists of permitted uses and on “performance standards” which establish limits on the amount of noise, air pollution and other types of industrial nuisances. The inclusion of performance standard regulations insures the community against noxious or dangerous uses now permitted in existing Unrestricted Districts, where there is no zoning control over hazardous or nuisance operations by industry.

The M 1 District is designed as an industrial “front window,” nearest to adjacent residential and commercial areas and therefore has the most rigid performance standards and permitted uses. There is, however, a flexibility in the proposed zoning resolution which takes into consideration the fact that industries manufacturing or processing similar products do not necessarily carry out their functions with the same performance standards. For example, a firm fabricating steel products could be located in M1, M2 or M3, depending upon its ability to meet the required standards of the respective Districts.

In developing performance standards, regulations were established for eight types of nuisances:

- Noise
- Vibration
- Smoke, dust and other types of particulate matter
- Odor
- Toxic and noxious matter
- Radiation hazards
- Fire and explosive hazards
- Heat, humidity and glare

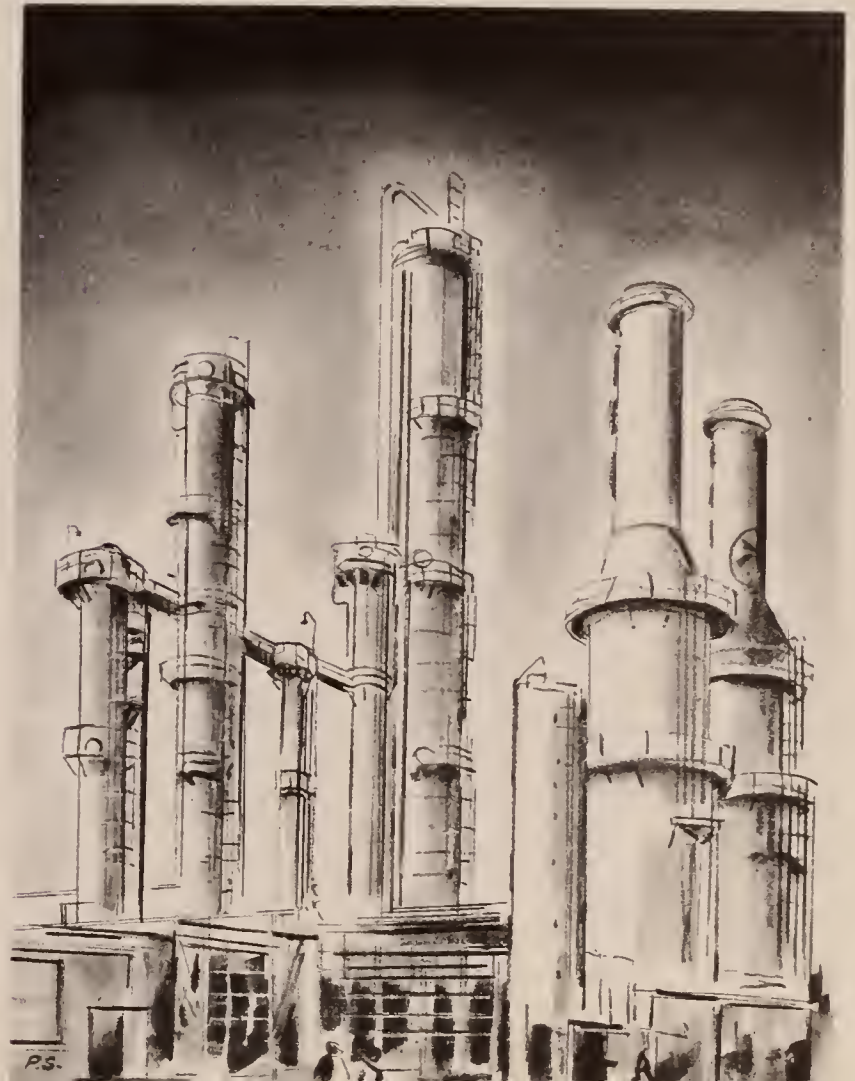


The advantages of including performance standards, in addition to the permitted list of uses in a district, are:

1. A better method is provided for guiding selection of industrial sites; industry can be given greater freedom in location, and adjacent residential and commercial areas are given better protection from industrial nuisances.
2. Industries can locate in a given district with confidence that they will not be subjected to possible nuisances from new industrial neighbors.
3. The City can add to its supply of industrial land, when needed, with the assurance that increased industrialization will not reduce the amenities of adjacent areas, and, that its industrial areas of high performance standards will be in an excellent com-

petitive position to keep existing industries and attract new ones.

As a further protection to adjacent residential areas, the proposed resolution has special regulations applying to industries located on district boundaries. These regulations provide for adequate enclosure and screening of industrial processing and place limitations on the location of business entrances, show windows and signs.





REGULATING INTENSITY OF

Elbow Room for Living

Perhaps the most significant contribution of new zoning in New York will be its influence in achieving a balanced growth and averting congestion. It has been pointed out that the maximum “envelope” of existing zoning regulations would permit some 55,000,000 persons to live in the city. While this is hardly likely, imagine the consequences if just one neighborhood in an outlying section of the city were suddenly developed in proportion to the maximum. How would residents get to work? What about standards of light and air? Where could they park their cars? What about school and park facilities? The answers lie in effective controls.

The establishment of density regulations is the product of long and careful research. There was no attempt to decide arbitrarily upon a population ceiling for New York, but rather, desirable standards were developed on a neighborhood or local area basis. How many people per acre could ultimately live and receive adequate city services in Jackson Heights, or Chelsea, or Riverdale? Each area has various factors to consider in determining its growth potential: location, accessibility to transit, residential patterns, and available room for new development or redevelopment. To assign a density permitting 1,000 persons per acre to live in Riverdale would be injurious, and conversely, to allow Yorkville only low density development would be wasteful. The City has room for population growth; it is estimated that the proposed Zoning Resolution would permit the entire population of Chicago to move into New York City and live here

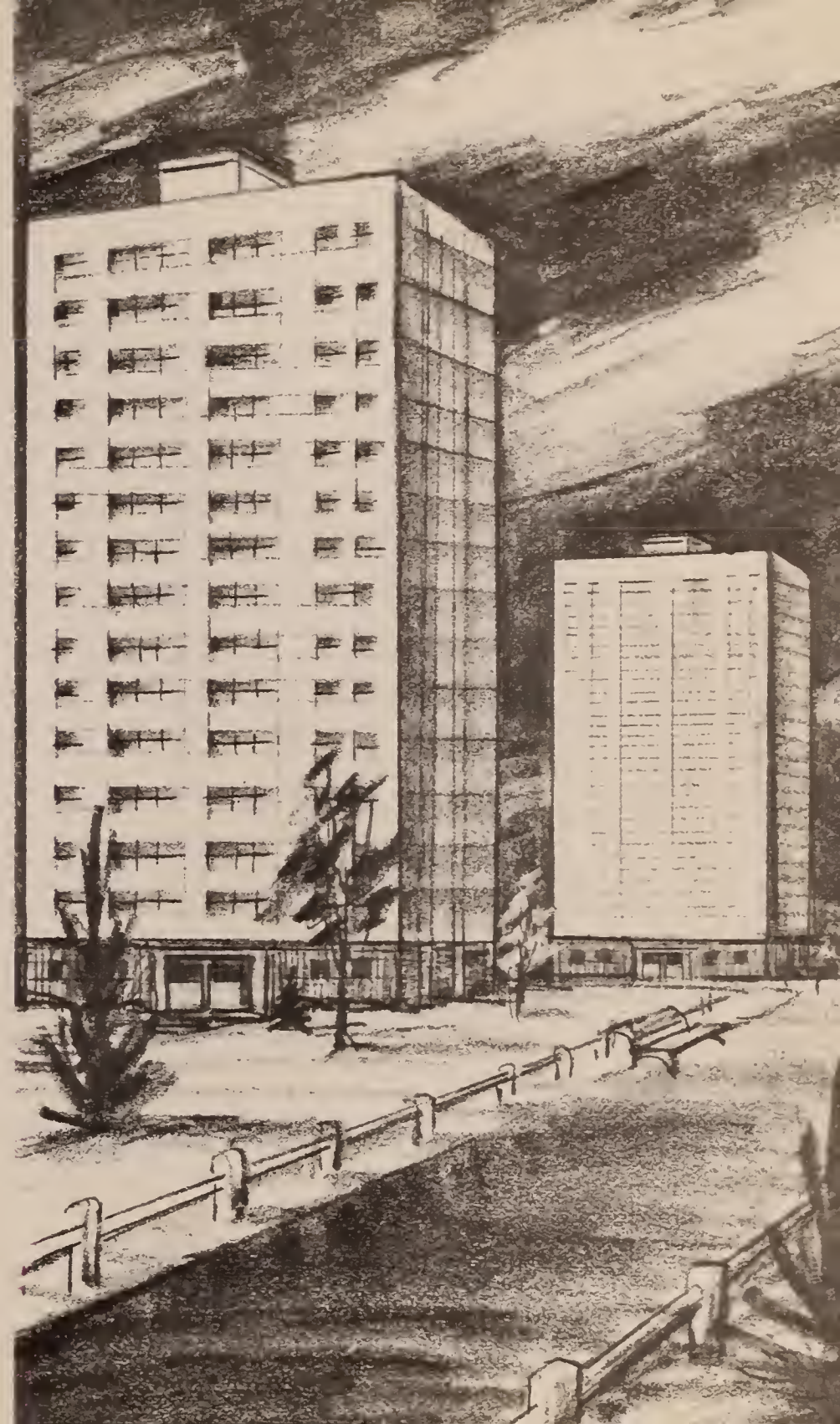
RESIDENTIAL DEVELOPMENT

comfortably. The challenge is to insure against sudden and uncontrolled concentrations in some areas and wasteful underdevelopment in others.

There are three basic reasons why a sound zoning resolution must fix limits on the intensity of development in any area:

- To prevent overcrowding and congestion
- To provide open space on residential lots for use of residents and for adequate spacing of buildings
- To prevent overloading of street and transit facilities, schools, parks and other community facilities

We have learned through our mistakes of the past that a blank check for density (the number of people per given area) can create irreparable and costly problems. Because we have inadequate density controls in our present zoning regulations, we have been powerless to prevent overcrowded living conditions — important ingredients in the creation of slums — resulting from excessive conversions of existing structures, a practice that inevitably leads to exploitation particularly in periods of housing scarcity. There are other dollar-and-cent aspects to regulating intensity of development. Good zoning should establish an effective balance between the permitted concentration of population and the capacity of streets, transit facilities, schools and other community facilities to serve the public. If we permit excessive concentrations of population, we overtax the City's ability to supply these services, creating wasteful expenditures because of uncontrolled growth. In addition, establishing rational population "envelopes" for various neighborhoods en-



ables city planners and other responsible officials to predict population changes and growth in preparing long-range plans for schools, streets and highways, hospitals and other community facilities of major importance.

Hand in hand with developing density controls is the matter of providing adequate open space in a very congested city. One of the most precious commodities in New York is open space — a bit of green offering the benefits of sunlight and air to our dwellings, or usable areas which provide recreational space and the sense of openness and privacy that makes living enjoyable. Open space is not wasted space. It is of significant importance, not only for health and esthetic reasons, but as a factor in maintaining the long-term economic value of an area as a desirable neighborhood suitable for continued residential use. To protect the City's residential investment and to prevent excessive coverage of land, suitable controls are required.

FORMULA FOR SOUND DEVELOPMENT

To achieve the desirable goals of residential development, it was necessary to develop a series of interrelated controls which regulate the total effect of residential development. These controls govern open space, ratio of rooms to lot area, floor area and minimum lot size. Combined they effectively protect communities against excessive density or coverage. Further, they have a

built-in bonus system which encourages builders to provide more open space than the minimum required. In this regard, a flexible scale of permitted densities, open space and floor area ratios was devised for Residence Districts in which apartment houses are allowed. The net effect of these regulations, which represent a streamlined version of the earlier density and open space controls proposed by Voorhees Walker Smith and Smith, is to encourage the builder to provide more open space and somewhat taller, slimmer buildings in apartment house districts. In exchange for the additional open space, the bonus system permits the builder to add more floor area, more rooms or both. Another set of controls regulating minimum lot areas and lot widths covers the intensity of development in districts in which one-family and two-family houses are located.

The Residential Districts are divided into ten groups, R1 to R10. The R1 and R2 districts allow only single-family detached homes; R3 and R4 are also low density districts and have fixed open space, floor area and density controls; R5 to R9 are medium to high density districts with sliding scale controls, and R10 is a special, very confined, high-rise apartment house district in Manhattan where greater densities are permitted than would otherwise be desired. In general, the residential districts follow a pattern in which housing located close to the central business districts and close to sources of rapid transit is permitted higher densities than that in outlying districts.

WHAT DENSITY MEANS TO NEW YORK

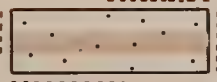
NUMBER OF AUTOS	AVERAGE CITY BLOCK DENSITY — COVERAGE — PARKING	DISTRICT	PEOPLE SEATED IN IND SUBWAY CARS
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21



R1 75

30



R2 120

60



R3 195

90



R4 360

135



R5 525

210



R6 945

240



R7 1200

285



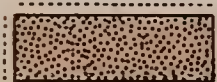
R8 1800

345



R9 2250

420



R10 2850

The accompanying chart depicts the impact of various levels of density upon the ten Residence Districts proposed in the Resolution. It shows:

- How many people could live on an average city block (about 3 acres) in each District. Each little dot inside the block represents ten persons.
- Typical proportion of the block covered by buildings.
- The number of automobiles which would require parking space (represented by small dashes around the block).
- The number of subway cars (IND) needed to seat all the residents of one block.

If you live in an average R10 District, the odds are six to one against your finding a parking space if you and your neighbors all decided to use the available curb space. And, if you're a subway rider, it would take about six ten-car trains to seat you and all the other people on your block.

WHAT DENSITY MEANS TO NEW YORK

The somewhat cryptic terms of R3, R7 and so on take on meaningful significance once they are translated into numbers of people — or, in the terms of this Resolution, rooms per lot area.

Large numbers of people living in a building can be problem enough — especially if it is a converted structure housing many times the number of tenants it originally had. However, this problem multiplies once these same people leave their homes. Getting to work, going to school, parking a car, or even finding a park bench becomes a proportionately greater problem to the individual and to the City as densities increase.

City services are, of course, designed to accommodate public need. Good zoning should guard against the kind of population saturation that poses the paradox of areas with no room for service facilities unless people move out

to make way for them. There is just so much traffic a street can handle before everything stands still; buses and subways can transport people only to a fixed limit — even if every street had a bus line and the trains inched along one behind the other. We have just about reached these limits in some sections of this city. The challenge is to channel growth, not prevent it, and to avoid sudden or unanticipated saturation of an area.

The maximum densities proposed in this Resolution are based on the recognition that a sizeable proportion of post-war residential construction has been developed at good density levels, and the practical consideration of growth trends and demand in each neighborhood.

Using as an example an area developed at a density of 950 persons per acre (less than the maximum permitted in the Resolution), let us consider one building on a 100 x 100 lot. Assuming that only half the tenants in this building owned cars, they would require all the usable parking space on both sides of the street along three avenue blocks. Now consider that the average city block could hold twelve such buildings and the enormity of this density becomes apparent. Based on per capita service level, the following are some other facts relating to the City services required by this same block:



School Seats 336



Hospital Beds 7.5



Refuse Collected
(tons/year) 1,090



Library Books 2,318

The figures cited above are examples. Other factors, such as police and fire protection, recreational and other community facilities are more difficult to measure graphically, but equally significant.



REGULATIONS CONTROLLING LOT AREA PER ROOM

The number of people who can live in a given area is far more directly related to the number of living accommodations provided than it is to the amount of floor space. Economics — rent-paying ability — to a large measure determines floor space. Rooms in a high rental apartment are considerably larger but the number of persons who live in a high rental, four-room apartment is not likely to be greater than the number in a low rental four-room apartment.

If density controls were expressed solely in terms of dwelling units — apartments — they would not effectively control population density because of the great variation in apartment sizes.

The consultants avoided this problem by varying the limits on the number of apartments permitted according to the apartment size. A proportionately greater number of 2-room apartments could be built on a given lot, for

example, than 5-room apartments. While this device provided a precise and unbiased control, architects found it somewhat difficult to manipulate in designing buildings. To overcome this, the Commission simplified the regulation reducing it to the number of rooms permitted on a given lot. This is really determined by a factor of required lot area per room which varies according to district and building bulk. By dividing the lot area (e.g. 10,000 square feet) by the factor suited to height and bulk of a desired structure (50 square feet in an R8 District, for example) the result (200) is the maximum number of rooms permitted for that building. The definition of a room is similar to that of the "rental room," familiar to architects and builders. The room count is based on 2½ rooms for the basic living space in an apartment — living room, dining area, kitchen, bath, foyer and balcony — plus each additional room.

RESIDENTIAL DENSITY RANGES BY DISTRICT

DISTRICT	MAXIMUM FLOOR AREA RATIO	MINIMUM OPEN SPACE RATIO	CORRESPONDING DWELLING UNITS OR ROOMS PER ACRE		MINIMUM LOT AREA (SQUARE FEET)	
			DWELLING UNITS	ROOMS	PER DWELLING UNIT	PER ROOM
R1	.50	150.0	7		5,700	
R2	.50	150.0	11		3,800	
R3	.50	150.0		116		375
R4	.70	90.0		158		275
R5	1.00 to 1.25	50.0 to 62.0		212 to 252		205 to 173
R6	2.00 to 2.40	29.5 to 33.0		411 to 454		106 to 96
R7	2.80 to 3.40	18.0 to 21.0		538 to 605		81 to 72
R8	4.80 to 6.00	8.0 to 10.4		822 to 990		53 to 44
R9	6.50 to 7.50	4.2 to 6.2		1037 to 1117		42 to 39
R10	10.00*	None		1452*		30*

*Provision of a plaza or arcade can add as much as 20 per cent to the permitted FAR or number of rooms per acre.

OPEN SPACE – Key to Desirable Neighborhoods

The amenities of pleasant, open surroundings and of residential privacy should be a matter of right to the average New Yorker and a matter of sound economic investment to the builder. Open space is a positive contribution to making a neighborhood desirable and in assuring its long-term value for residential development.

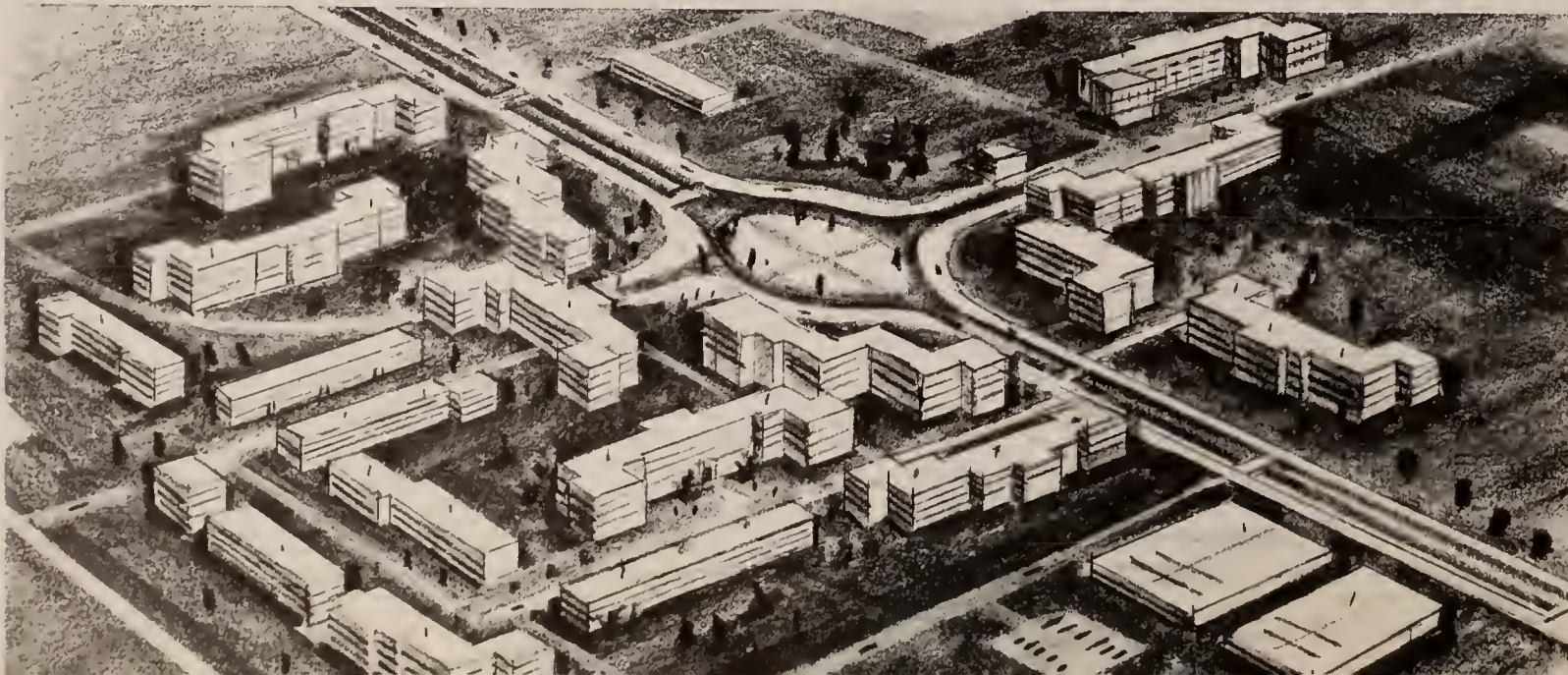
The open space control in this Resolution is, in effect, a standard for insuring that this kind of open space is available to residents. A flat coverage control (lot covered by building) does not adequately relate the needed open space to the size of the building or the number of occupants. Further, if bulk controls were merely expressed in limits on density or floor area, there would be no assurance of adequate open space, as shown on the opposite page.

The device for controlling open space is called the Open Space Ratio. It expresses the percentage of total floor area that must be provided in open space on a lot. If

the Open Space Ratio is 20, for example, then the amount of open space required on a lot would be 20 per cent of the total floor area of the structure.

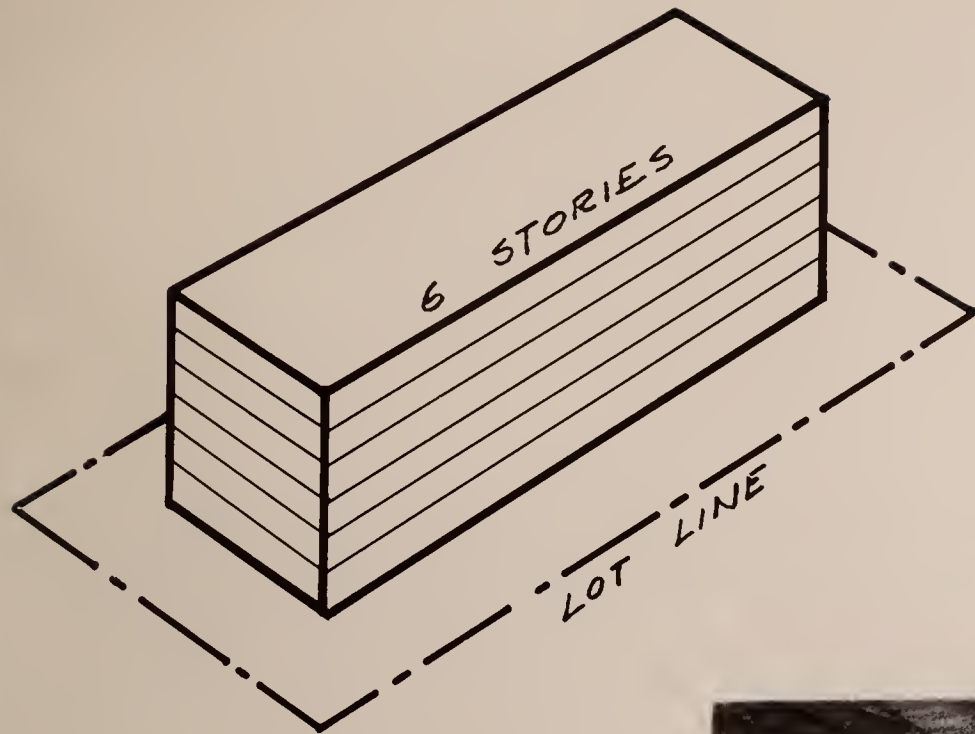
The space required by the Open Space Ratio must be accessible to all building occupants. These requirements may not be met by roof or balcony space, except on the roof of an accessory garage if design standards are met. Up to 50 per cent of the open space may be used for off-street parking, avoiding higher construction costs which would apply if all garage facilities were indoors.

The tables and diagrams appearing in this section point up the inter-relationship of Open Space Ratio to Density and Floor Area Ratio controls. To simplify these regulations, the Planning Commission has related them to building heights, thus permitting a builder or architect to determine bulk and density requirements by consulting convenient cross-reference tables. The flexible controls make possible a much wider range of types of construction while maintaining desirable standards.



Good example of
adequate open space:
Fresh Meadows, Queens.

Open Space Ratio

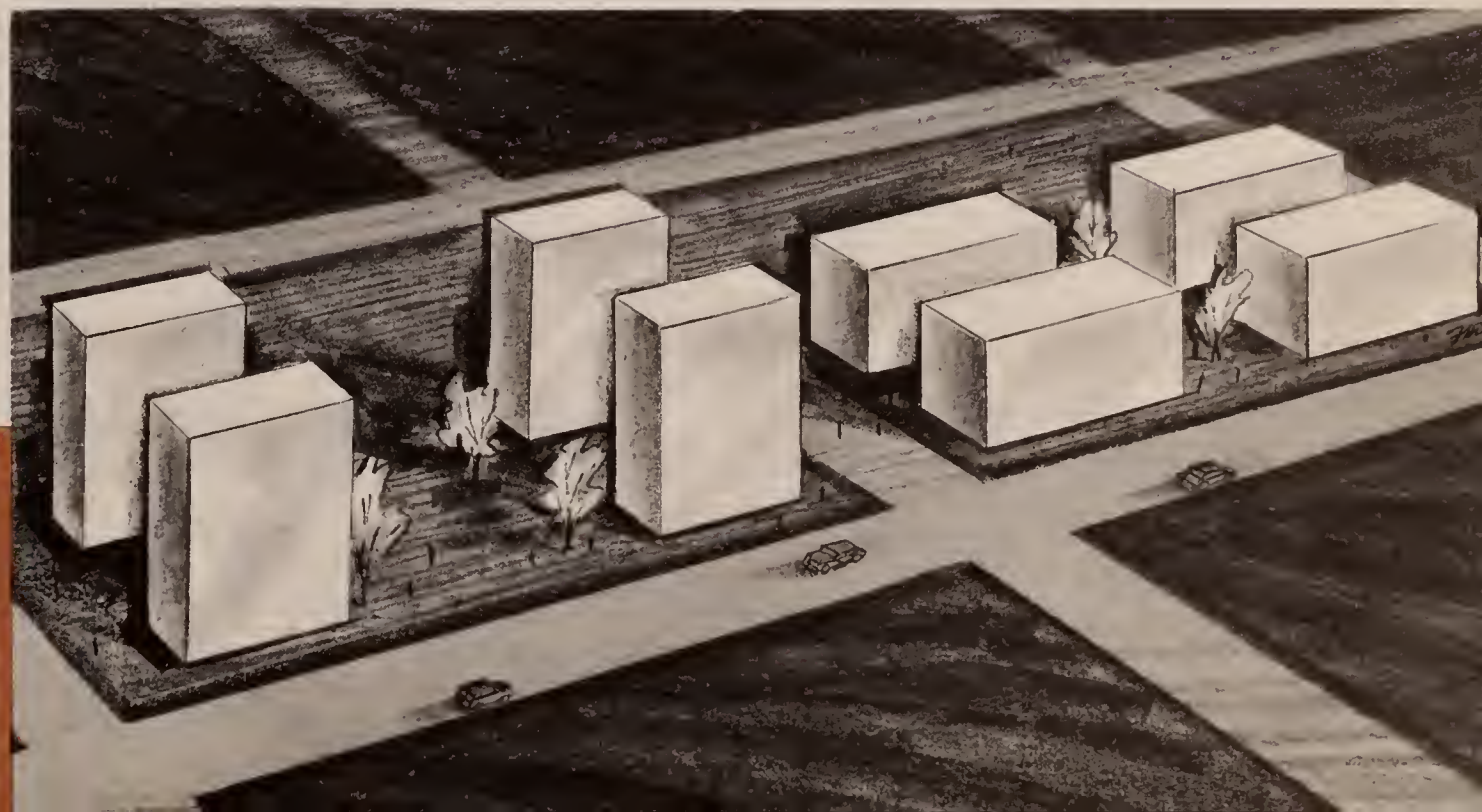


FORMULA

$$\frac{\text{Open Space} \times 100}{\text{Floor Area}}$$

- ▶ Lot Area = 20,000 Sq. Ft.
- ▶ Each Floor = 8,000 Sq. Ft.
- ▶ Floor Area = 48,000 Sq. Ft. (6×8000)
- ▶ Open Space = 12,000 Sq. Ft. ($20,000 - 8,000$)

$$\frac{12,000 \times 100}{48,000} = 25$$



Floor Area Ratios are the same for both blocks shown, but Open Space Ratio for the left block is much higher, giving improved livability.

BONUSES FOR OPEN SPACE

Because open space is such a scarce commodity in New York, the Planning Commission believes a premium should be offered to the builder who is willing to give additional open space on his lot.

Built in to the controls regulating residential development are bonus provisions offered in terms of added floor area, more rooms per lot area — or a combination of both. The illustrative table below and the diagrams on the opposite page point out how these bonus provisions work. As the table indicates, a taller, slimmer building in higher density districts (residential bonus provisions apply

only in R5 to R9 Districts) is permitted greater floor area or density ratios than a high coverage, squat building.

In the R10 District or Commercial Districts, bonuses are provided for plazas or arcades. The bonus in R10 Districts permits 5 square feet of additional floor area for each square foot of plaza space provided. This marks an increase over the 3-1 ratio proposal of the consultants. The commercial bonus is based on a graduated scale limited to 20 per cent of the maximum Floor Area Ratio permitted. The higher the percentage of lot in plaza space, the greater the relative bonus.

**ILLUSTRATIVE TABLE SHOWING OPEN SPACE RATIOS, PERMITTED ROOMS PER ACRE
AND REQUIRED LOT AREA PER ROOM FOR TYPICAL BUILDINGS IN AN R7 DISTRICT**

OPEN SPACE RATIO	ROOMS PER ACRE	LOT AREA PER ROOM (IN SQ. FT.)	MAXIMUM FAR BY NUMBER OF STORIES*									
			6	7	8	9	10	11	12	13	14	15
18.	538	81	2.88	—	—	—	—	—	—	—	—	—
18.5	538	81	2.84	3.05	—	—	—	—	—	—	—	—
19.	544	80	2.80	3.00	3.17	—	—	—	—	—	—	—
19.5	544	80	2.76	2.96	3.13	3.27	—	—	—	—	—	—
20.	551	79	2.72	2.92	3.08	3.22	3.33	—	—	—	—	—
20.5	558	78	2.69	2.87	3.03	3.16	3.28	3.38	—	—	—	—
21.	558	78	2.65	2.83	2.99	3.12	3.23	3.32	3.41	—	—	—
21.5	565	77	2.62	2.79	2.94	3.07	3.17	3.27	3.36	3.42	—	—
22.	565	77	2.58	2.75	2.90	3.02	3.13	3.22	3.30	3.37	3.44	—
22.5	573	76	2.55	2.72	2.86	2.98	3.08	3.16	3.25	3.31	3.38	3.42
23.	581	75	2.52	2.68	2.82	2.93	3.03	3.12	3.19	3.26	3.32	3.37
23.5	581	75	2.49	2.65	2.78	2.89	2.99	3.07	3.14	3.21	3.27	3.31
24.	588	74	2.46	2.61	2.74	2.85	2.94	3.02	3.10	3.15	3.22	3.26
24.5	588	74	2.43	2.58	2.70	2.81	2.90	2.98	3.05	3.11	3.16	3.21
25.	596	73	2.40	2.54	2.67	2.77	2.86	2.93	3.00	3.06	3.12	3.15
25.5	605	72	2.37	2.51	2.63	2.73	2.82	2.89	2.96	3.01	3.07	3.11

*For buildings without setbacks

EXAMPLE #1

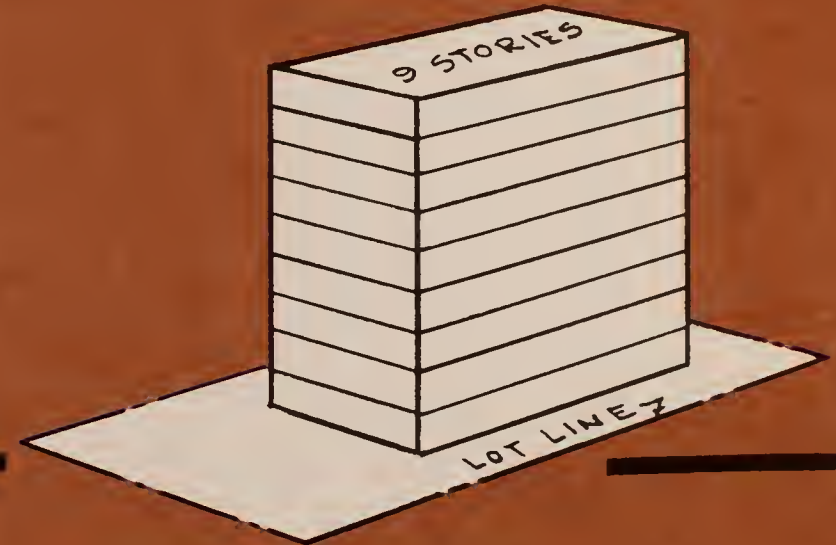
Below is a six-story building with an Open Space Ratio of 20.0 and a total floor area of 54,400 square feet. By checking the table on the opposite page we find the required Lot Area Per Room is 79. By dividing the total lot area (20,000 square feet) by 79, we find we are permitted a maximum of 253 rooms.



BUT ...

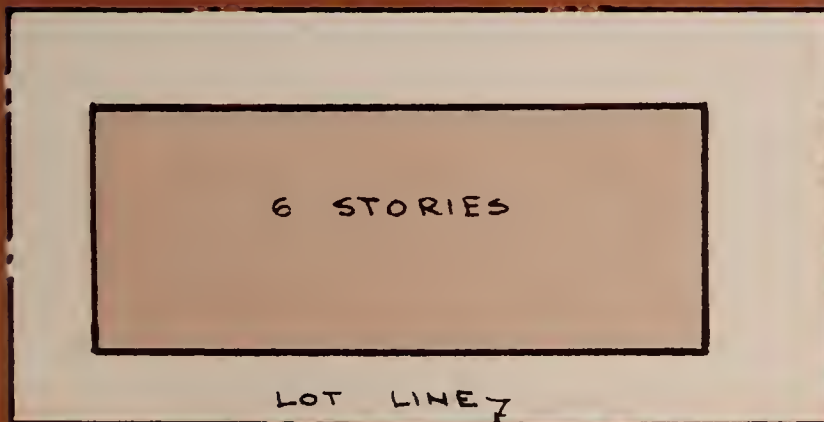
The same bulk placed on end to get nine stories (FAR remains at 54,400 square feet) finds the Open Space Ratio rising to 25.5 and the required Lot Area Per Room decreasing to 72. Dividing 20,000 by 72 gives a maximum of 278 rooms permitted.

ADDED OPEN SPACE IN THIS CASE GIVES A BONUS OF 10 PER CENT MORE ROOMS.



EXAMPLE #2

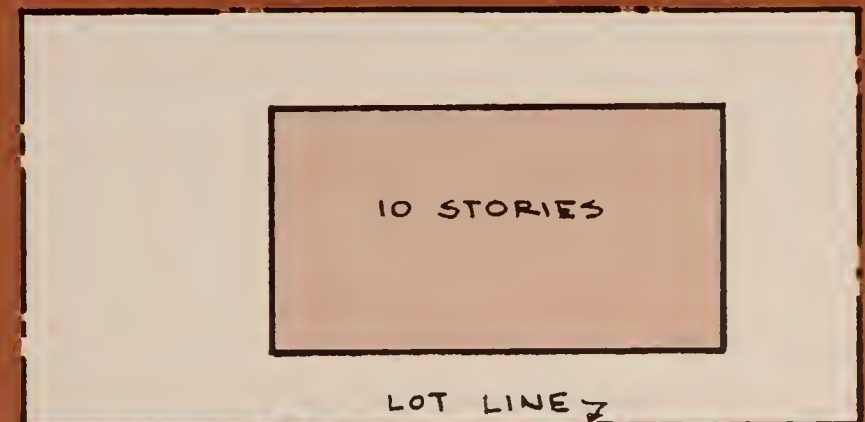
Below is a diagram of a six-story building on a 20,000 square foot lot at 45 per cent coverage. The building has an Open Space Ratio of 20 and an FAR of 2.72. It provides 11,000 square feet of open space and has a maximum permitted floor area of 54,400 square feet.



----- BUT ...

A ten-story building at the same Open Space Ratio of 20, provides 33 per cent coverage and 13,400 square feet of open space. For this the builder receives an FAR of 3.33 and a maximum permitted floor area of 66,600 square feet.

IN THIS CASE, PROVIDING 2,400 SQUARE FEET MORE IN OPEN SPACE PERMITS A BONUS OF 12,200 SQUARE FEET IN FLOOR AREA (TWO FLOORS).



NOTE: A BUILDER MAY GET BOTH AN FAR BONUS AND A DENSITY BONUS BY NOT TAKING THE FULL BONUSES SHOWN IN THE EXAMPLES.

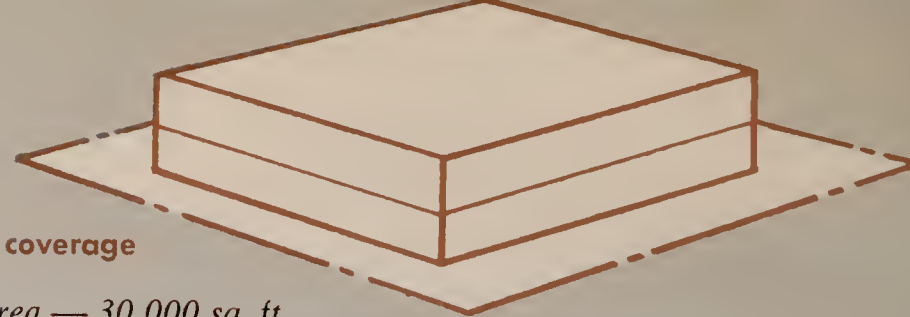
FLOOR AREA RATIO

Yardstick for Building

The Floor Area Ratio device, which is already in use in some districts, is a simple, direct and enforceable control over the physical volume of buildings. It is generally applicable to all types of structures, and therefore may be applied to all districts—Residence, Commercial and Manufacturing.

FAR provides the builder, at a glance, with an indication of how much floor area may be developed on a lot. It also prevents attempts to squeeze more stories into the permitted volume by lowering ceiling heights.

The Floor Area Ratio expresses the relationship between the number of square feet of floor space in a building and the square feet in the lot area. A Floor Area Ratio of 5.00 would permit floor area in a building equal to five times the lot area, while a .50 FAR would permit a floor space equal to one-half the lot area.



80% coverage

Lot Area — 30,000 sq. ft.

Each Floor — 24,000 sq. ft.

2 Floors — 48,000 sq. ft.

$$\frac{48,000}{30,000} = FAR 1.6$$

Formula $\frac{\text{Floor Space}}{\text{Lot Area}}$

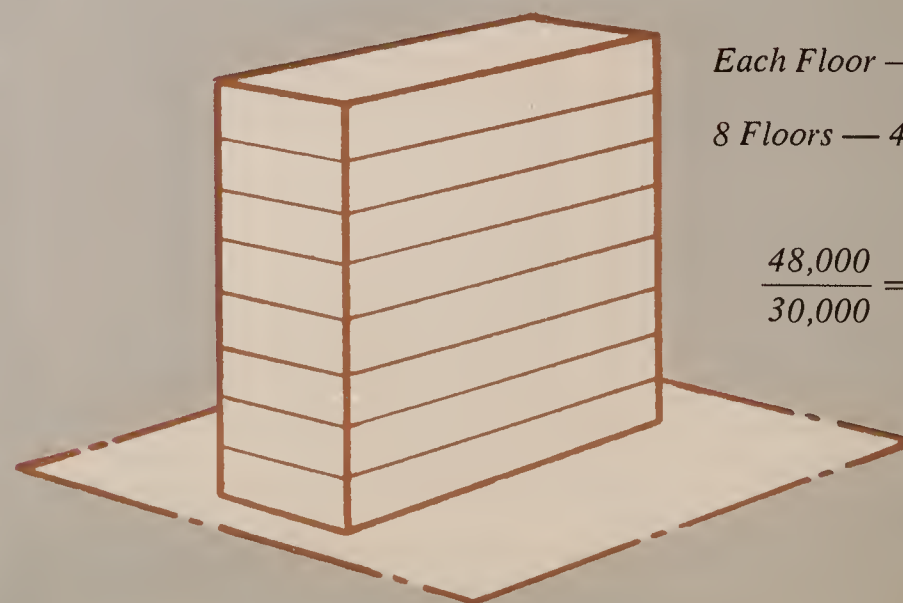
20% coverage

Lot Area — 30,000 sq. ft.

Each Floor — 6,000 sq. ft.

8 Floors — 48,000 sq. ft.

$$\frac{48,000}{30,000} = FAR 1.6$$



RESIDENTIAL FLOOR AREA RATIO

It has been pointed out before that the Floor Area Ratio alone would not be a satisfactory control of residential bulk. Since it does not take density or open space into direct consideration, this control would not adequately prevent overcrowding and it would probably encourage the construction of small apartments. To overcome this, the permitted rooms per lot area, the Open Space Ratio and the Floor Area Ratio are so arranged that the total effect of these controls favors neither small nor large apartments; small nor large rooms.

In arriving at limits for the permitted floor areas in the various Residence Districts, the Planning Commission took into consideration the desirable standards for density and the economic feasibility of these standards. The maximum floor area permitted in each Residence District is determined by a series of factors including density, Open Space Ratio and height of building. The built-in bonus provisions explained earlier permit a range in Floor Area Ratios in Districts R5 through R9. The R10 District also

has a bonus provision for plazas and arcades, which brings the maximum possible Floor Area Ratio in this District up to 12.00.

In some instances, in recognizing land costs and other economic factors, the Planning Commission adjusted the maximum Floor Area Ratios proposed by the consultant firm. However, it should be noted that a survey of residential construction since World War II indicated that only a small percentage of all dwelling units built in this post-war period exceeded the maximum Floor Area Ratio proposed by Voorhees Walker Smith and Smith. Further, a study of the densities at any given Floor Area Ratio level in existing housing showed extremely wide ranges. Buildings in the FAR 3.05 to 3.54 category, for example, ranged from 105 dwelling units per acre to 255 units — pointing up the wide variance in density which is possible despite FAR controls.

Floor Area is the sum of the gross area of each building floor, excluding:

- Cellar space
- Elevator or stair bulkheads and accessory water towers or cooling towers
- Uncovered steps
- Attic space with headroom less than 8 feet
- Floor space in balconies, terraces, breezeways and porches provided that their sides (perimeter) are not more than half enclosed
- Space used for required parking which is located less than 23 feet above curb level.

RESIDENTIAL FLOOR AREA RATIOS		
DISTRICT	TYPICAL HEIGHT (IN STORIES)	FLOOR AREA RATIO*
R1-R3	1 and 2	.50
R4	1 and 2	.70
R5	2 to 6	1.00 to 1.25
R6	3 to 10	2.00 to 2.40
R7	6 to 12	2.80 to 3.40
R8	8 to 16	4.80 to 6.00
R9	8 to 18	6.50 to 7.50
R10	14 and over	10.00 to 12.00

*The higher figures are permitted when a greater amount of open space is provided.

COMMERCIAL AND INDUSTRIAL FLOOR AREA

One of the major factors pointing up the need for a zoning resolution back in 1916 was the construction of massive office buildings in some areas of the City. This overwhelming commercial bulk has made many of our streets into dark canyons.

While it is recognized that in the critical Commercial Districts in Central Manhattan there is need for reasonably high Floor Area Ratios, the proposed Resolution varies the maximum FAR's depending on the location of the District. In Central areas, FAR's are permitted to go as high as 15.00, and — by means of the plaza bonus — they can go up to 18.00. In the outlying Districts maximum permitted Floor Area Ratios are lower and are not

as important in governing the degree of development, since the provision of off-street parking facilities on the site strongly influences the relationship between floor area and lot area.

The maximum industrial FAR's, like the commercial levels, were determined on standards of good, yet profitable construction. Industrial plant construction in New York has followed the trend toward one-story, low bulk buildings. A sample survey of half the plants built in the City in recent years showed an average Floor Area Ratio of .72, with only 3 per cent of the single occupancy structures exceeding FAR 1.10.

COMMERCIAL BULK REGULATIONS									MANUFACTURING BULK REGULATIONS	
MAXIMUM FAR	C1 AND C2		C3	C4	C5	C6	C7	C8	DISTRICT	MAXIMUM FLOOR AREA RATIO
	C1-1 TO C1-5 AND C2-1 TO C2-5 WHEN MAPPED IN	C1-6 TO C1-9 AND C2-6 TO C2-8								
0.50			C3						M1-1	1.00
1.00	R1 to R5			C4-1				C8-1	M1-2	2.00
2.00	R6 to R10	All Districts listed above					C7	C8-2 C8-3	M1-3	5.00
3.40				C4-2 C4-3 C4-4 C4-5 C4-6					M1-4	2.00
									M1-5	5.00
									M1-6	10.00
4.00					C5-1				M2-1	2.00
5.00								C8-4	M2-2	5.00
6.00						C6-1 C6-2 C6-3			M2-3	2.00
									M2-4	5.00
10.00				C4-7	C5-2 C5-4	C6-4 C6-5			M3-1	2.00
15.00					C5-3				M3-2	2.00

MINIMUM LOT SIZES

The concept of open space and privacy is extended to the regulation of minimum lot sizes, especially in low density districts. The new Resolution provides an upgraded single-family detached house district (R1) which recognizes modern trends in single house construction. Lot widths in this district must be at least 60 feet. In all other districts, 40-foot minimum widths are required for all one- and two-family detached houses. The basic regulations for all other dwelling types in the General Residence Districts (R3-R10) will serve to prevent sub-standard row house construction.

MINIMUM LOT SIZE

	R1*	R2*	R3 to R10
Single-family or two-family detached residences			
Area (in square feet)	5,700	3,800	3,800
Width (in feet)	60	40	40
Other types of residences			
Area (in square feet)	—	—	1,700
Width (in feet)	—	—	18

*Single-family detached residences only



A typical R5 District

A typical R2 District

LIGHT AND AIR IN THE CITY

A View of the Sky

Open space and density controls are necessary to prevent an area from being overdeveloped and overcrowded. However, these controls, by themselves, can not prevent buildings from depriving people of adequate light and air.

For example, the density of a group of buildings might be quite low, but if adjacent buildings were permitted to locate on their side lot lines with no space between them, they would deprive each other of light and air. Or if a high structure is built straight up without being set back from the front lot line, the street itself becomes the victim.

By separating structures from each other, yard regulations prevent one building from blocking off light, air, and sun from another, and also add to the privacy of building occupants. Limitations on the length of row houses and requirements for yards between them are designed to make this form of dwelling a good neighbor in low density areas.

Most of these regulations are traditional ones. They apply to a single building on a single lot. The new Resolu-

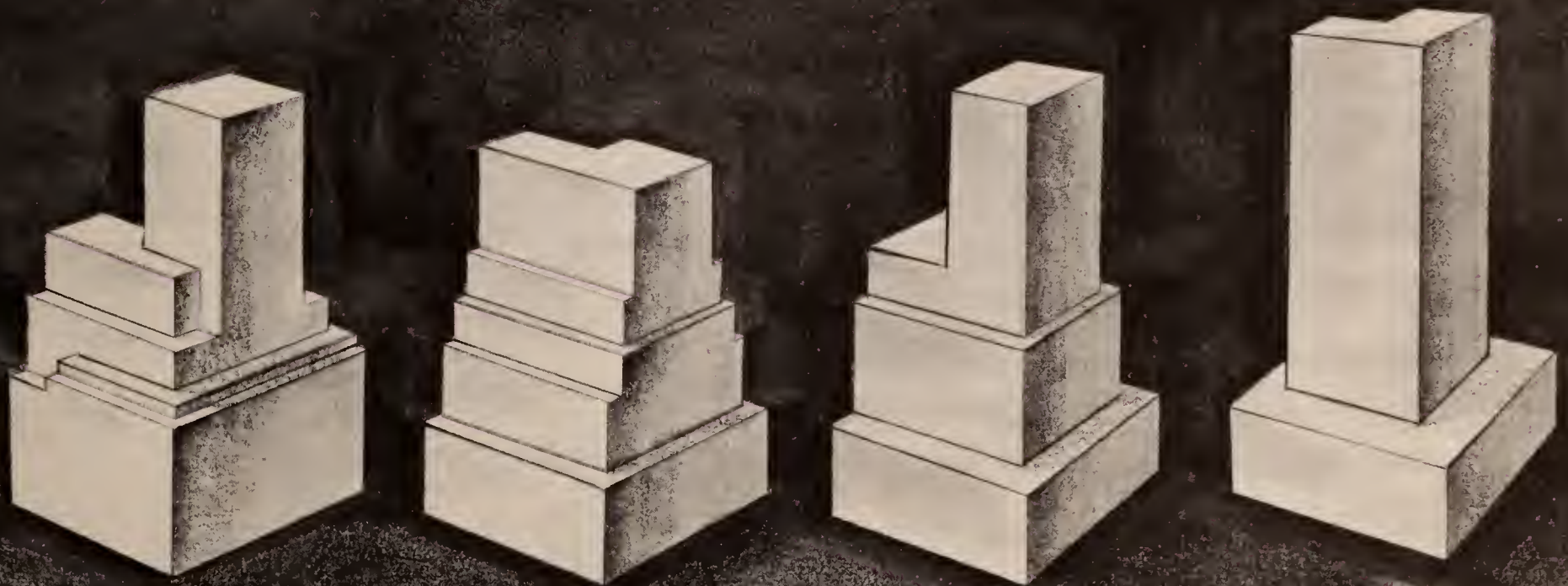
tion sets up a system for spacing between buildings on the same lot which gives maximum flexibility to the builder and maximum protection to building occupants. Such buildings may be located in a variety of positions as long as there is adequate distance between them. This system avoids the pitfalls of the present resolution whereby fictitious lot lines must be drawn around two or more buildings on the same lot in order to compute the required spacing of buildings.

Another great disadvantage of the present resolution is the rigid and inelastic mold within which buildings must be constructed. The present inflexible height and setback regulations determining this mold lead to sameness and sterility of building forms. Flexible and interchangeable regulations have been developed which permit a wide variety of attractive and efficient building forms without sacrificing economy. At the same time regulations prevent streets from becoming dark caverns, and insure exposure to the sky and a general feeling of openness at street level.

DISPOSITION OF BULK ON ZONING LOT	
RESIDENCE DISTRICTS	COMMERCIAL OR MANUFACTURING DISTRICTS
Yard Regulations	Yard regulations
Height and setback regulations	Height and setback regulations
Access of light and air to windows	Access of light and air to windows
Court regulations	*
Minimum spacing between buildings	*
* Residential or community facility buildings governed by court and spacing regulations when permitted in these districts.	

BUILDING VARIETY UNDER NEW RESOLUTION

The building on the extreme left (with a Floor Area Ratio of 16.6) shows the familiar typical silhouette of an existing structure built under present restrictive regulations — a form resulting when the maximum amount of floor area is pumped into the zoning mold created by the present height and area controls. The other three buildings (at Floor Area Ratios of 15) show the kind of clean-cut, economical designs which are possible under the proposed Resolution. These are only three of an almost limitless variety of forms which can be built under the proposed interchangeable regulations.

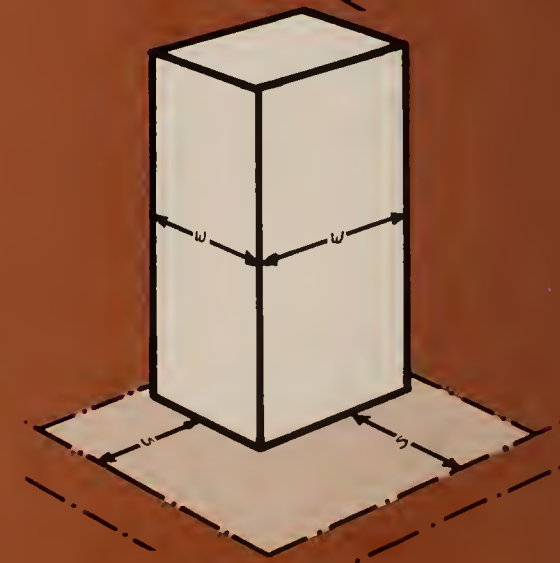
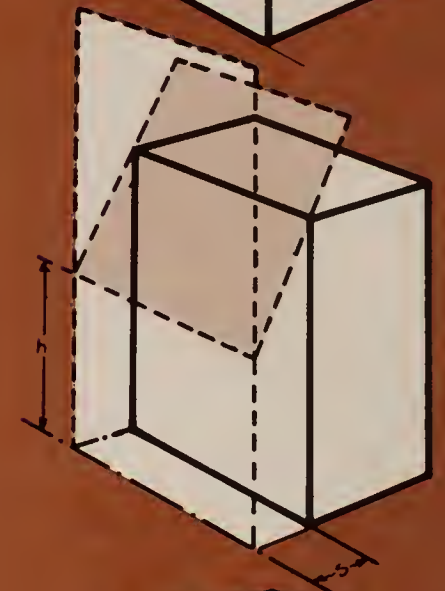
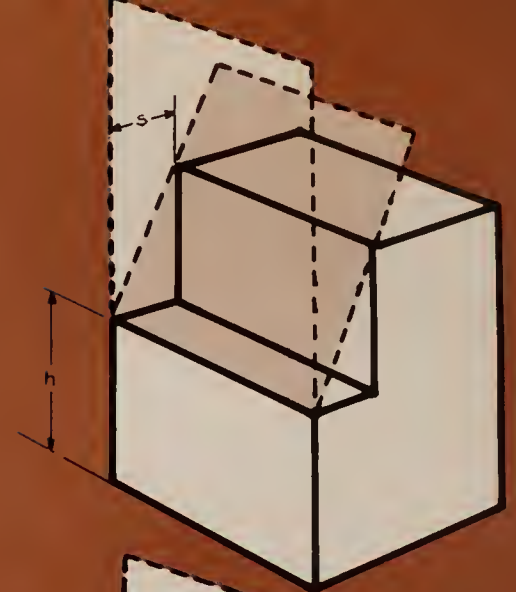


HEIGHT AND SETBACK PROVISIONS

Height and setback provisions in the Resolution provide for light and openness to streets. The height of a building's front wall at the street line is limited to a specified number of stories or feet. Above that height a building is required to set back behind an imaginary inclined plane — the “sky exposure plane.” However, if a building's front wall is set back from the street line a certain number of feet, it may rise to a greater height before being required to set back behind another imaginary and steeper “alternate sky exposure plane.” A tower, covering up to 40 per cent of the lot, may penetrate the sky exposure plane and rise to any height provided the Floor Area Ratios are not exceeded. These provisions may be used in combination and interchangeably with each other.

RESIDENTIAL HEIGHT AND SETBACK REQUIREMENTS

DISTRICT	STANDARD REGULATIONS							ALTERNATE REGULATIONS				
	INITIAL SET-BACK DISTANCE (IN FEET)		MAXIMUM HEIGHT OF FRONT WALL OR OTHER PORTION OF BUILDING WITHIN SETBACK DISTANCE (IN FEET) (IN STORIES)		SKY EXPOSURE PLANE			INITIAL SET-BACK DISTANCE (IN FEET)		SKY EXPOSURE PLANE		
					HEIGHT ABOVE FRONT YARD LINE ^a OR STREET LINE ^b (IN FEET)	SLOPE OVER ZONING LOT (VERTICAL DISTANCE TO HORIZONTAL DISTANCE)				HEIGHT ABOVE STREET LINE (IN FEET)	SLOPE OVER ZONING LOT (VERTICAL DISTANCE TO HORIZONTAL DISTANCE)	
						NARROW STREET	WIDE STREET				NARROW STREET	WIDE STREET
R1-R4	None	None	Street level	Street level	20 ^a	1:1	1:1	—	—	—	—	—
R5	None	None	Street level	Street level	30 ^a	1:1	1:1	—	—	—	—	—
R6-R7	20	15	60	6	60 ^b	2.7:1	5.6:1	15	10	60	3.7:1	7.6:1
R8-R10	20	15	85	9	85 ^b	2.7:1	5.6:1	15	10	85	3.7:1	7.6:1



SKY EXPOSURE PLANE

- h is the height of
sky exposure plane
above *street line*
- s is the depth of the
optional front open
area

ALTERNATE SKY EXPOSURE PLANE

- h is the height of
sky exposure plane
above *street line*
- s is the *initial*
setback distance

ILLUSTRATION OF TOWER

- s is the required
setback from *streets*
- w is the *aggregate*
width of street walls

DISTRICT	COMMERCIAL HEIGHT AND SETBACK REQUIREMENTS											
	STANDARD REGULATIONS							ALTERNATE REGULATIONS				
	INITIAL SET- BACK DISTANCE (IN FEET)		MAXIMUM HEIGHT OF FRONT WALL OR OTHER PORTION OF BUILDING IN SETBACK DISTANCE		SKY EXPOSURE PLANE			INITIAL SET- BACK DISTANCE (IN FEET)		SKY EXPOSURE PLANE		
					HEIGHT ABOVE STREET LINE (IN FEET)	SLOPE OVER ZONING LOT (VERTICAL DISTANCE TO HORIZONTAL DISTANCE)				HEIGHT ABOVE STREET LINE (IN FEET)	SLOPE OVER ZONING LOT (VERTICAL DISTANCE TO HORIZONTAL DISTANCE)	
	NARROW STREET	WIDE STREET	(IN FEET)	(IN STORIES)	(IN FEET)	NARROW STREET	WIDE STREET	NARROW STREET	WIDE STREET	(IN FEET)	NARROW STREET	WIDE STREET
C1 or C2 when mapped in: R1 to R5	20	15	30	2	30	1:1	1:1	15	10	30	1.4:1	1.4:1
R6 to R10	20	15	85	6	85	2.7:1	5.6:1	15	10	85	3.7:1	7.6:1
C1-6 to C1-9	20	15	60	4	60	2.7:1	5.6:1	15	10	60	3.7:1	7.6:1
C2-6 to C2-8	20	15	60	4	60	2.7:1	5.6:1	15	10	60	3.7:1	7.6:1
C3	20	15	30	2	30	1:1	1:1	15	10	30	1.4:1	1.4:1
C4-1	20	15	30	2	30	1:1	1:1	15	10	30	1.4:1	1.4:1
C4-2 to C4-7	20	15	85	6	85	2.7:1	5.6:1	15	10	85	3.7:1	7.6:1
C5-1 to C5-4	20	15	85	6	85	2.7:1	5.6:1	15	10	85	3.7:1	7.6:1
C6-1 to C6-5	20	15	85	6	85	2.7:1	5.6:1	15	10	85	3.7:1	7.6:1
C7	20	15	60	4	60	2.7:1	5.6:1	15	10	60	3.7:1	7.6:1
C8-1	20	15	30	2	30	1:1	1:1	15	10	30	1.4:1	1.4:1
C8-2 and C8-3	20	15	60	4	60	2.7:1	5.6:1	15	10	60	3.7:1	7.6:1
C8-4	20	15	85	6	85	2.7:1	5.6:1	15	10	85	3.7:1	7.6:1

YARDS, COURTS AND SPACE BETWEEN BUILDINGS

The Resolution establishes front, side, and rear yard requirements and requirements for courts sufficient to insure adequate light and air between buildings and parts of buildings. It also sets up regulations for access of light and air to legally required windows.

Besides these traditional regulations, the Resolution introduces a flexible system for spacing buildings on the same lot commensurate with their influence upon each other. By requiring that the distance between buildings

be increased as the combined height and length of opposing walls increases, a harmonious relationship between structures is effected.

The formula makes possible greater freedom of design choice for the builder, and prevents obstruction of any building's light and air by another. It is adaptable to both small and large-scale developments without administrative review.

RESIDENTIAL YARD REQUIREMENTS

DISTRICT	FRONT YARDS	REAR YARDS†	SIDE YARDS					
			SINGLE-FAMILY OR TWO-FAMILY DETACHED RESIDENCES			OTHER TYPES OF RESIDENCES		
			NUMBER REQUIRED	MINIMUM WIDTH (IN FEET)		NUMBER REQUIRED	MINIMUM WIDTH IF PROVIDED (IN FEET)	
	DEPTH (IN FEET)	DEPTH (IN FEET)		COMBINED	EACH		COMBINED	EACH
R1	15	30	2*	20*	8*	—	—	—
R2	15	30	2*	13*	5*	—	—	—
R3 and R4	15	30	2	13	5	2	16	8
R5	10	30	2	13	5	2	16	8
R6 to R10	None	30	2	13	5	None	16	8

*Single-family detached residences only

†Not required for corner lots

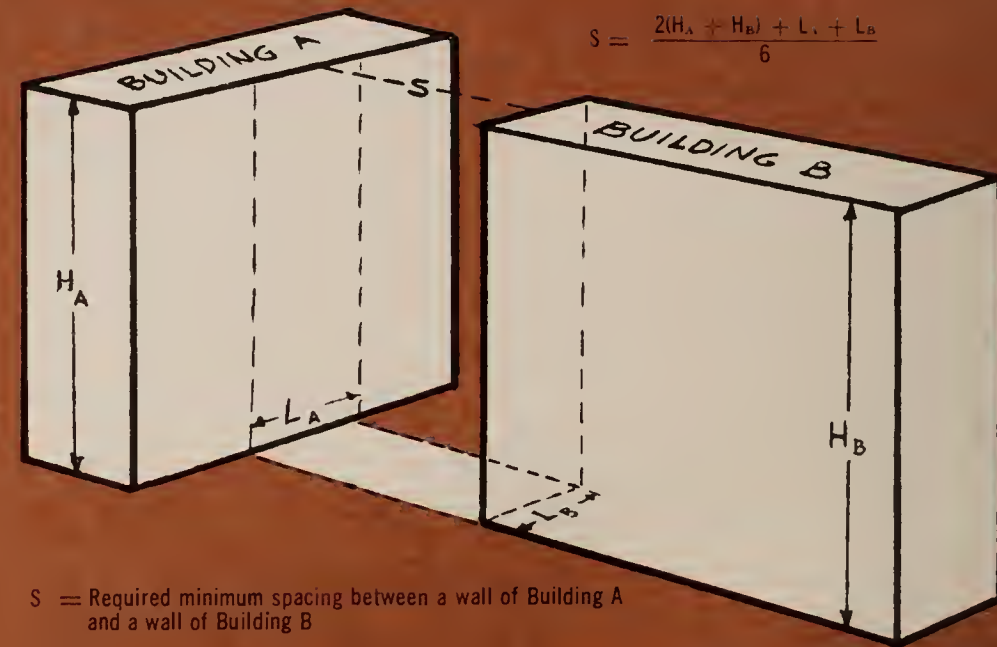
MINIMUM COURT DIMENSIONS (ALL DISTRICTS)

OUTER COURT WIDTH: 2 X depth (if less than 30 feet wide)
1 X depth (if more than 30 feet wide)
Maximum: 60 feet

INNER COURTS: 30 feet (any side)
Minimum area: 1200 square feet

Minimum distance between window and any wall or rear or side lot line:
30 feet (except one- and two-story residences)
20 feet (small corner lots in R10)
Minimum distance between window on inner court and court wall:
½ height of wall (Maximum 60 feet)

FORMULA FOR SPACING BETWEEN BUILDINGS:



S = Required minimum spacing between a wall of Building A and a wall of Building B

L_A = Portion of Building A directly opposite Building B

H_A = Height of Building A

L_B = Portion of Building B directly opposite Building A

H_B = Height of Building B

In example above, if the portions of the two buildings directly opposite each other are 60 feet long and 120 feet high, distance required between buildings would equal $2(120 + 120) + 60 + 60$ or a distance of 100 feet.

LARGE-SCALE RESIDENTIAL DEVELOPMENTS

Large-scale housing projects have transformed the face of the City and changed the lives of thousands of people. Well over one-third of all private units built since 1947 have been in such projects.

These developments offer unique opportunities for designing livable attractive homes. Several buildings constructed as a unit may be allowed more flexibility in their spacing and orientation than if they were built separately. The proposed zoning gives the builder the flexibility to take advantage of this opportunity for variety of design, while eliminating most present requirements for burdensome administrative review.

Proposed regulations for large-scale developments include:

1. Minimum spacing between buildings
2. Local shopping required for daily use
3. Community facilities

The first two regulations are self-administering, unlike the present Resolution which requires Planning Commission review. Without amending the Resolution, two per cent of the residential floor area of the project may be developed for local shopping.

If a new school or other community facility is needed in the project neighborhood, issuance of a building permit may be delayed three months to give the City ample notice so that action may be initiated to secure a site within the project.



PARKING — 6,000 ACRES OF CARS

A major objective of the proposed Resolution is providing off-street storage for that notorious space user, the automobile. The parking problem, now acute, shows every sign of growing. Since 1948 car registration in New York has increased 50 per cent. Today we have almost 1,500,000 cars, which occupy more than 6,000 acres. Moreover, there has been a dramatic increase in their use. Over half the people employed outside the Central Business District now drive to work.

Cars parked on residential streets cause congestion, nuisance and danger. In commercial and industrial areas, congested street parking is harmful to business, impedes truck access to factories and warehouses and often backs into nearby residential areas.

Parking regulations in the Resolution are based on the principle that the establishment which generates the use of cars and trucks is responsible for providing off-street parking space commensurate with the amount of such use. Generally, all buildings are required to provide off-street space. Commercial and manufacturing buildings in the central areas of the City — Manhattan, south of 110th Street, and Downtown Brooklyn — are exempted because it is impractical and would attract still more cars and add to traffic congestion.

The proposed zoning amendment weaves specific parking standards and regulations into the fabric of the entire Resolution. The structure of the present resolution, which was developed long before parking was a major problem, is such that providing sound parking regulations in all districts is all but impossible.



Densely developed areas create parking havoc.

RESIDENTIAL PARKING

Every day more and more families in the City acquire cars. And every day the problem of where to store the family car when not in use becomes more acute. In Queens, for example, 85 per cent of the families already own automobiles. Even in new relatively high density developments like Forest Hills and Jackson Heights, most families own automobiles.

In R1 through R4 Districts parking must be provided for 100 per cent of the dwelling units, in *R5 Districts* for 85 per cent. In these districts requirements can normally be satisfied by using one-half the required open space, which is the maximum open space permitted for parking.

In R6, R7, R8, R9, and R10 Districts, parking requirements range from 70 per cent of the dwelling units in R6 Districts down to 40 per cent in R8, R9, and R10. In R6 and R7 the cost of providing required parking is fairly low because substantial numbers of spaces can be provided in open space.

MODIFIED REQUIREMENTS

Parking requirements are reduced for small lots: 10,000 square feet or less in R6 and R7-1 Districts; or 15,000 square feet or less in R7-2 — R10 Districts. In R6 and R7-1 Districts parking requirements are waived entirely if five or less spaces are required, in R7-2 and up if ten or less spaces are needed.

COMMUNITY FACILITIES

Parking is required for hospitals in all residential districts, and for such facilities as medical offices, churches,

and nursing homes in R1 to R7-1 Districts. Requirements vary according to type and size of facility, and permitted density of the district.

ADDITIONAL REGULATIONS

Controls are set up to limit size of parking facilities, and for minimum size of parking space, exits and entrances to parking facilities to minimize interference with street traffic, surfacing and screening from neighboring residences.

Parking facilities must be reserved for residents of the development, located within a convenient distance from the development they serve, and fulfill standards minimizing adverse effects on the neighborhood. Facilities may be provided jointly for two or more residential structures.

RESIDENTIAL PARKING REQUIREMENTS			
Spaces as a Percentage of Dwelling Units			
DISTRICT	PER CENT OF DWELLING UNITS	MODIFIED REQUIREMENTS FOR SMALL LOTS	
		MAXIMUM LOT AREA	PER CENT OF DWELLING UNITS
R1 to R4	100		
R5	85		
R6	70	10,000 sq. ft.	50
R7-1	60	10,000 sq. ft.	30
R7-2	50	15,000 sq. ft.	30
R8, R9, R10	40	15,000 sq. ft.	20

COMMERCIAL PARKING

Parking requirements for commercial areas are necessarily detailed because of the tremendous variety of commercial establishments and of shopping centers in the five boroughs, and the great differences in their practical parking needs. For example, a local shopping center in the lower Bronx will not need the same amount of off-street parking space as a large suburban shopping center in outer Queens or Staten Island which is accessible only by automobile. Nor will a furniture store have the same parking needs as a supermarket.

Commercial parking requirements vary according to:

1. Location — high parking requirements in less congested outlying areas of the City; low requirements in congested central areas.
2. Type of business establishment and its size.

All commercial districts are divided into five parking requirement levels — high, medium, low, very low, or exempt. Requirements also vary according to the type of individual business establishment and its parking needs.

DIFFERENT REQUIREMENTS FOR DIFFERENT CENTERS

1. *High requirement districts (C1-1, C2-1, C3-1, C4-1)*
Located in low-density outlying residential neighborhoods with high automobile ownership and dispersed shopping centers, e.g. Hylan Boulevard, Staten Island; Glen Oaks, Queens.
2. *Medium requirement districts (C1-2, C2-2, C4-2, C8-1)*
Low to medium density developments where generally automobile shopping is predominant, e.g. White Plains Road, North Bronx; Avenue L, Canarsie.



New shopping centers are designed to meet the needs of the automobile shopper.

3. *Low requirement districts* (C1-3, C2-3, C4-3, C8-2)
Relatively high density development with only medium automobile ownership and use, and parking needed only for large stores, e.g. Pitkin Avenue and 13th Avenue, Brooklyn.
4. *Very low requirement districts* (C1-4, C2-4, C4-4, C8-3)
Business centers in high density development. Parking needed only for largest stores, e.g. 125th Street, Manhattan; Fordham Road, Bronx.
5. *Exempt districts* (C1-5 to C1-9, C2-5 to C2-8, C4-5, C4-6, C4-7, C5, C6, C8-4)
Lower and central Manhattan, and downtown Brooklyn, where traffic congestion has reached saturation point and more parking would only attract more traffic.

DIFFERENT REQUIREMENTS FOR DIFFERENT BUSINESSES

Eight parking categories of commercial uses are set up on the basis of their traffic-generating characteristics, and designated by letters from "A" to "H," ranging from high to low traffic generators. Each commercial use listed in the Use Groups is designated by one of these letters.

- A. *Food stores.* Primarily supermarkets, the largest commercial generator of traffic.
- B and C. *General retail or service uses.* "B" uses characterized by high volume of automobile customers for their size. Includes most retail uses — department and variety stores, and most small retail businesses. "C" uses, relatively low traffic generators for floor

area, such as offices or furniture stores. "C" requirements same as for "B" group, but may be reduced by Board of Standards and Appeals.

- D. *Places of assembly.* Generators of large traffic volume such as theaters, night clubs, meeting halls, stadiums and dance halls.
- E. *Open commercial amusements.* Large traffic generators like golf-driving ranges and amusement parks of Coney Island type.
- F. *Light manufacturing; semi-industrial uses.* Generators of moderate car traffic such as ceramic products, orthopedic products, large laundries and carpet cleaners.
- G. *Storage or miscellaneous establishments.* Low traffic generators for floor area, such as trucking terminals, motor freight stations, packing and crating establishments.
- H. *Other commercial uses.* Uses with unique traffic-generating characteristics, like hotels, funeral parlors, boat rental businesses.

STANDARDS FOR PARKING

Additional requirements permit parking to be provided at a distance from the zoning lot it serves, allow two or more businesses to provide parking jointly, require at least 300 square feet per parking space, prohibit parking lot exits and entrances nearer than 50 feet to street intersections to minimize traffic interference, and set up standards for surfacing of parking lots and screening them from residential areas.



Failure to provide off-street parking facilities in Manufacturing Districts can paralyze traffic.

INDUSTRIAL PARKING

Auto and truck congestion in industrial areas can be measured not only in terms of nuisances but in loss of time and money.

Parking requirements are the same for all Manufacturing Districts, except the high-density central areas in Manhattan which are exempt. Requirements differ for manufacturing plants and for warehousing and storage because of their very different traffic generating characteristics.

Requirements are based on floor area for manufacturing plants to cover cases where employment is unknown, or where it fluctuates greatly. Parking requirements are lower for warehouse or storage establishments than for manufacturing plants to avoid penalizing large storage establishments with few employees. Additional regulations are designed to assure adequate standards and protection from nuisances from the surrounding area.

MANUFACTURING PARKING REGULATIONS

MANUFACTURING AND RELATED USES

1 space per 1,000 square feet of floor area	}	Whichever will require the larger number of spaces
or		
1 space per 3 employees		

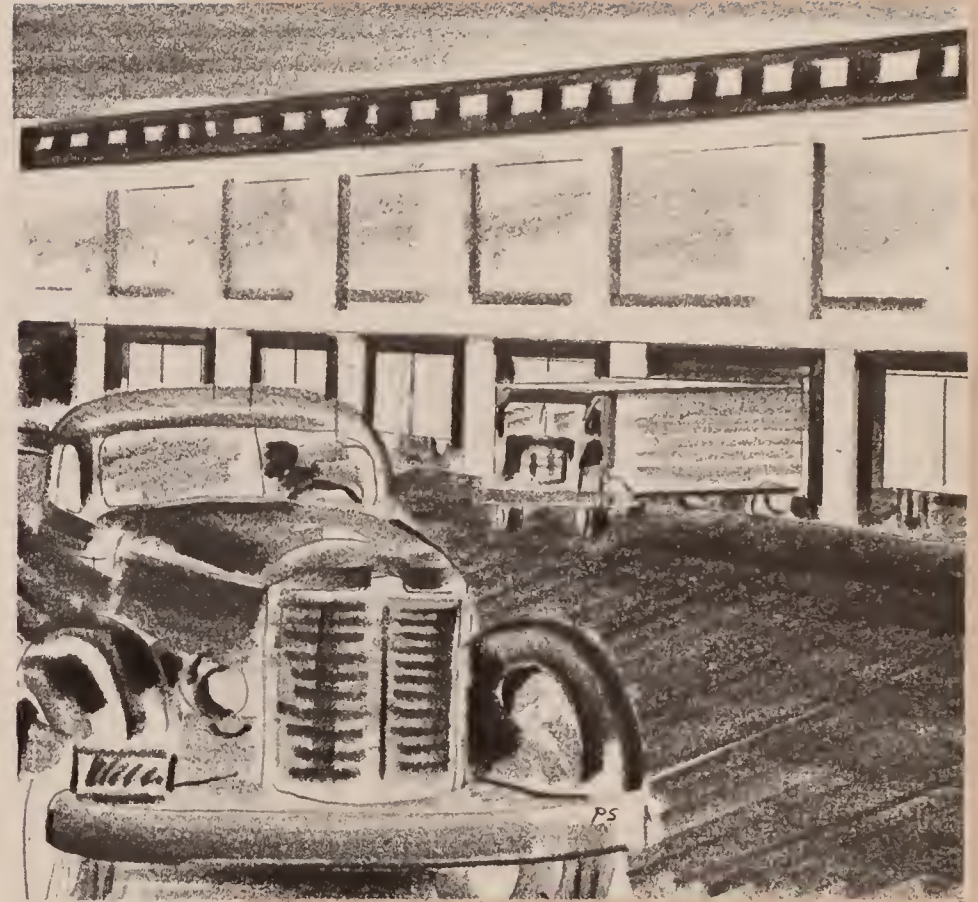
WAREHOUSES AND OTHER STORAGE ESTABLISHMENTS

1 space per 2,000 square feet of floor area	}	Whichever will require the smaller number of spaces
or		
1 space per 3 employees		

OFF-STREET LOADING

Truck loading on a street can — and often does — completely paralyze traffic. From the point of view of traffic congestion it is more important in certain parts of the City to provide truck loading than car parking. Off-street loading is also essential for efficient industrial and commercial operations. Even more than off-street parking, off-street loading is the responsibility of the developer, since it is designed to meet requirements of the individual establishment only, rather than the general public.

As in the present resolution, hospitals are the only uses in Residence Districts for which off-street loading berths are required. In Commercial and Manufacturing Districts, provisions for off-street loading are substantially the same as in the present resolution, with berths required for most commercial, manufacturing and storage uses. Present standards have also been adapted to the proposed new districts. Also, additional regulations on the size, design, and location of the berths have been set up to fit various truck and trailer dimensions. Access must in general be 50 feet or more from street intersections. Regulations are set up to protect adjoining residential development, limiting the distance between berths and Residence Districts, providing for surfacing and screening, and under certain circumstances requiring berths to be enclosed.



Modern, efficient loading berths are economical and make for good neighbors.

NON-CONFORMING USES

Many non-conforming uses are the outcroppings of unregulated development that took place before zoning regulations were imposed. Such non-conforming uses have been with us since 1916. Others have been so designated as the result of subsequent amendments to accommodate the changing character of a neighborhood. The factory billboard or junkyard in the middle of a residential area is an everyday reminder of the need for good planning and zoning.

Non-conforming uses exist legally and of course are permitted to continue with few exceptions. Proposed regulations would prohibit expansion and limit future investment, and in some cases would require upgrading. Ultimate elimination is called for only in extreme cases — primarily industries located in residential areas. This provision is based on a thorough analysis of the adverse effects of industry upon residential surroundings.

It was originally supposed that non-conforming uses would eventually disappear, but 40 years of experience has shown that this rarely happens, and in fact that monopoly advantages inadvertently given such uses tend to prolong their existence. Most large cities in the country have taken measures to reduce the harmful effects of non-conforming uses. They have recognized that zoning cannot equitably and reasonably restrict new development or redevelopment without applying the same type of treatment to existing uses. The proposed Resolution would bring New York zoning into line with practice elsewhere without inflicting undue hardship on existing uses.



Non-conforming factories and billboards in residential areas will be gradually eliminated.

GRADUAL ELIMINATION OF WORST OFFENDERS

Three general types of regulations are proposed. The first would make a start on a gradual program of eliminating from Residence Districts the worst of the non-conforming uses — manufacturing and related uses. Termination is required only after ample time has been allowed to fully amortize investment in the use. Amortization periods vary generally with the value of the building or other development and the difficulty of converting to a conforming use.

Manufacturing uses in standard industrial buildings are given a longer amortization period than those occupying buildings originally designed for residential use, which would generally require relatively minor alterations to convert to conforming uses. Shorter amortization periods are allowed for signs and open uses such as junk yards, coal or metal storage yards, where no substantial buildings or other structures are involved.

AMORTIZATION PERIODS IN RESIDENTIAL AREAS

Industrial uses in non-residential buildings	25-40 years*
Specified objectionable uses (junkyards, coal storage, etc.)	10 years
Industrial uses in residential buildings	10 years
Open uses and advertising signs (small investments)	3 years

*25 years from adoption of Resolution, or 40 years from issuance of Certificate of Occupancy, whichever is later.



Non-conforming use generates traffic and hazards in residential neighborhood.

NON-CONFORMING USE REGULATIONS

1. Gradually eliminate industrial uses from residential districts
2. Improve performance of non-conforming industrial uses in commercial and manufacturing districts
3. Prevent the expansion or strengthening of non-conforming uses through change of use or enlargement

UPGRADING NON-CONFORMING USES IN COMMERCIAL AND INDUSTRIAL AREAS

The second major type of regulations requires an upgrading of non-conforming uses in Commercial and Manufacturing Districts by reducing noise, smoke, and other nuisances in order to meet certain specified performance standards within 15 years' time. In Manufacturing Districts, such uses must comply with the performance standards for the district in which they are located. In Commercial Districts, performance standards of the M1 District are required.

The application of these regulations will help to upgrade and enhance the competitive position of commercial and manufacturing districts to hold existing industry and attract new establishments. But adjacent residential areas would also benefit from the elimination of serious industrial offenses such as air pollution.

PREVENTING EXPANSION OR ENTRENCHMENT

The third major type of regulations would prevent the expansion or further entrenchment of non-conforming uses:

1. *Change of use.* When a building occupied by a non-conforming use is vacated, only occupancy by a less objectionable use or one with higher performance standards is permitted.

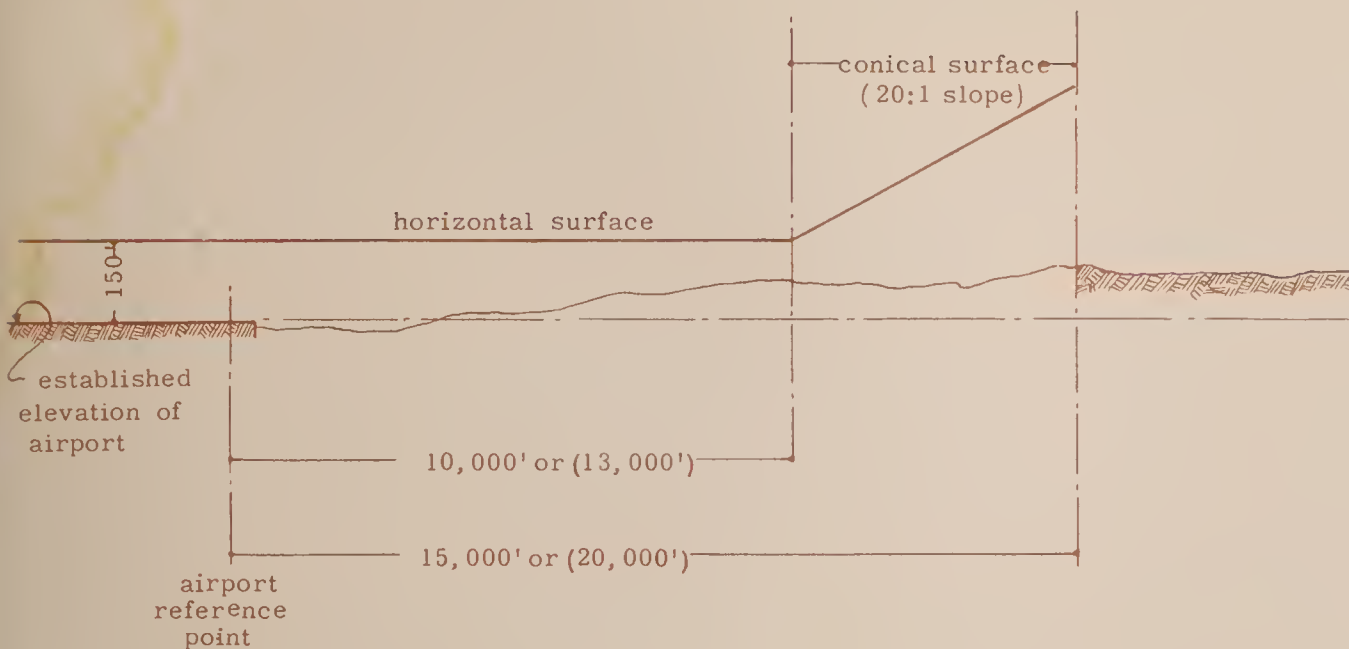
2. *Discontinuance, damage or destruction.* A non-conforming use may not be reinstated if operations have lapsed for a year or more, or if the building occupied by the use has been damaged to the extent of more than 50 per cent of its value.
3. *Enlargement, extension, repairs or alterations.* Enlargement or alterations are limited in order to restrict investments which would tend to prolong the life of the non-conforming use. Generally regulations limit further investment in a non-conforming structure to normal repairs and maintenance. However, certain enlargements or alterations are permitted where specified standards are met and where the non-conforming use does not have markedly more objectionable features than the uses allowed in the District.

LIMITING NON-COMPLYING BUILDINGS

Buildings which conform with the use regulations but do not comply with bulk regulations constitute a separate and lesser problem than non-conforming uses. They are subject to controls limiting their enlargement or conversion and prohibiting revival after extreme damage, but may otherwise continue. Residential buildings which do not comply with density regulations may be converted and enlarged as long as non-compliance with density regulations is not increased.

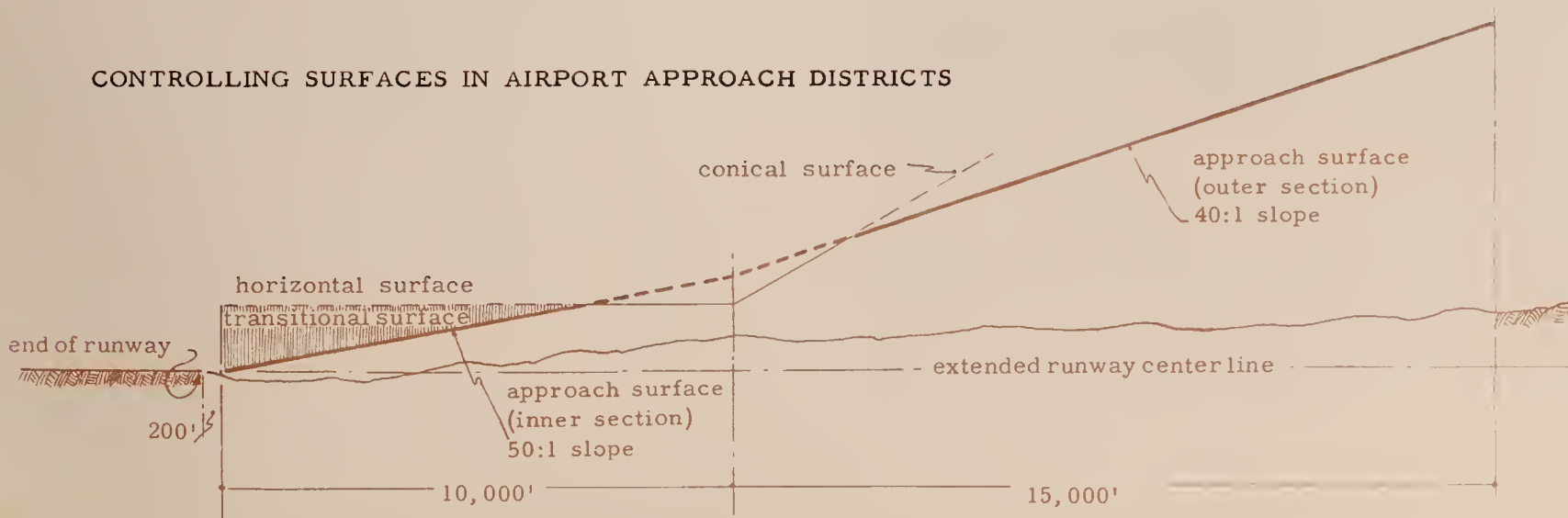
AIRPORT DISTRICTS: Protection for People, Property and Planes

CONTROLLING SURFACES IN AIRPORT CIRCLING DISTRICTS



The charts on this page illustrate the controls limiting building heights around major airports to reduce hazards to passengers and property. The regulations have been worked out in collaboration with the Port of New York Authority and are based upon the latest regulations of the Civil Aeronautics Administration. Existing limitations on height have the effect of an imaginary soup bowl surrounding the airport with graduated height increases permitted regardless of whether the buildings are in circling radius of the airport or in the direct line of approach. New regulations provide more liberal standards in Circling Districts and better safety regulations in Approach Districts. Special maps defining the districts around airports are available.

CONTROLLING SURFACES IN AIRPORT APPROACH DISTRICTS



ADMINISTERING THE RESOLUTION

The success of any zoning resolution will depend in the last analysis on how effectively it is administered. Proposed changes in New York's Resolution will necessitate some changes in administering these provisions, although the existing administrative machinery is adaptable to the proposed regulations.

The application of the regulations of the Resolution to practical situations requires interpretation of provisions, enforcement of regulations, minor adjustments within stated limits of flexibility through granting of "variances" and "exceptions," and major changes in text and maps through an amendment procedure.

AGENCIES ADMINISTERING THE RESOLUTION

No changes in the existing principles of administration are proposed by the Commission. Four City agencies — the Department of Buildings, City Planning Commission, Board of Standards and Appeals, and Board of Estimate

— continue to have the major responsibility for administering the Resolution. The Department of Air Pollution Control, the Department of Health and the Department of Marine and Aviation carry out enforcement or administrative functions related to their operations.

The Department of Buildings has major enforcement responsibilities in regard to the zoning regulations. The Board of Standards and Appeals will carry out the same functions that it now performs, including interpretation of provisions of the Resolution, granting variances and special permits, and setting up rules and regulations for the application of the Resolution.

A number of uses with unique characteristics — such as bus stations, airports, children's amusement parks — cannot be controlled adequately by the general regulations. Administrative review of their location, design, and conditions of operation is necessary to determine whether they are appropriate in a given area, and to set up special standards and conditions for their development to insure that the public interest is fully protected. "Special permits" are granted by the Board of Standards and Appeals for such uses where no special traffic or other major planning problems are involved. The City Planning Commission reviews "special permit uses" with city-wide or community impact whose characteristics require special planning study.

As at present, the Resolution is amended by adoption of a resolution by the City Planning Commission, which is then subject to action by the Board of Estimate.

Although major functions will continue to be carried

VARIANCE PROCEDURE: REQUIRED FINDINGS

1. Practical difficulty or unnecessary hardship caused by unique physical circumstances
2. Necessary to realize reasonable return
3. Character of neighborhood not altered; use of adjacent property not impaired; not detrimental to public welfare
4. Practical difficulty or hardship not created by owner of property
5. Minimum variance to provide relief

out as at present, certain refinements and improvements in administrative machinery are proposed.

ENFORCING THE RESOLUTION

Enforcement of the Zoning Resolution continues to be the primary responsibility of the Department of Buildings. The Department reviews applications for buildings permits, issues certificates of occupancy, and makes all inspections relating to compliance with the zoning Resolution.

In the zoning proposal advanced by the consultants to the City Planning Commission, there were recommendations for specific changes in the organization of the Department of Buildings for administering zoning, including the designation of a Zoning Administrator. The City Planning Commission, however, has omitted this suggestion in the belief that the Department of Buildings should exercise its discretion in determining the type of organization and machinery required to administer the new zoning provisions.

The powers and duties of the Department of Buildings include the following:

1. To review applications for building permits, and attach zoning certificates when the provisions of the Resolution are met
2. To review applications for certificates of occupancy for uses subject to performance standards (and in all cases where a building permit is not required)
3. To maintain public records of all zoning certificates and certificates of occupancy, appeals taken from the interpretation of the Building Department, applications to the Board of Appeals or Planning Commission for special permits, actions taken by the Board,

violations of and amendments to the Resolution

4. To maintain records of specified non-conforming manufacturing uses subject to termination
5. To interpret the provisions of the Resolution and make regulations for its enforcement and administration — as, for example, in the case of accessory off-street parking facilities
6. To order in writing the remedying of any condition which is a violation of any provisions of the Resolution.

GRANTING VARIANCES IN THE REGULATIONS

There are always cases where the peculiar shape, unusual topography or other unique physical characteristics of a lot would cause the owner “practical difficulty” or “unnecessary hardship” if he were required to adhere to the strict letter of the Zoning Resolution in developing his land. In such cases, the Board of Standards and Appeals may grant variances in the use and bulk provisions of the zoning law to the extent necessary to permit a reasonable use of land.

However, before granting any variance, the Board of

EXAMPLES OF SPECIAL PERMIT USES

Board of Standards and Appeals	City Planning Commission
Gas and Electric Substations*	Arenas and Stadiums
Radio and Television Towers	Drive-in Theaters
Fire and Police Stations	Race Tracks
Gasoline Service Stations	Bus Stations

*On sites of less than 40,000 square feet

Appeals is required to find that the claimed hardship satisfies stated criteria or standards. These standards are essentially those which have been required by the courts during the past 20 years in reviewing use variances granted by the Board. It is proposed, however, that the finding be required not only for use variances but for bulk variances as well. Unwarranted breaches in the density and bulk requirements of the Resolution can seriously affect the character of a neighborhood and destroy the integrity of the Resolution.

SPECIAL USES PERMITTED BY BOARD OF APPEALS

Two types of special permits may be granted by the Board of Standards and Appeals. First, the Board may make minor modifications of the regulations within limits spelled out in the Resolution. For example, the Board may permit:

- Limited expansion of a building into a district where it would not be permitted by the regulations
- Limited enlargement or conversion of a building to a bulk not permitted under the regulations
- Modification of off-street parking requirements, or
- Construction of buildings in excess of height limitations around airports.

Second, in addition to those uses which are allowed as of right, the Board may permit a number of listed uses to locate in certain specified districts under proper safeguards. The power of the Board to permit any type of use in any district, however, has been eliminated.

Gas stations are permitted by right in the General Service (C8) and Commercial Amusement (C7) Districts

and in the three Manufacturing Districts, but only by special permit in two other Commercial Districts (C2 and C6). However, no new gas station is permitted, even by special permit, in any Residence District or in the remaining Commercial Districts. Other uses which the Board of Standards and Appeals may authorize include public service establishments such as telephone exchanges and fire stations, theaters, and funeral parlors.

For each use the Board must make appropriate findings that the facility is required to serve the needs of the neighborhood, and that proper safeguards will be observed in the design, location or operation of each facility to prevent undue detriment to the surrounding area.

SPECIAL USES PERMITTED BY PLANNING COMMISSION

The City Planning Commission must approve the location of certain uses which would generate heavy traffic or pose other planning consideration within the surrounding area. These uses include airports, railroad passenger stations, and such amusement centers as race tracks or drive-in theaters.

The Planning Commission must assure that the particular facility will be so located as to fit properly into the neighborhood and minimize any detrimental effect on the character of the surrounding area. The Commission may also impose appropriate safeguards to reduce noise, glare, dust and generally protect the neighborhood. The facility is permitted by approval of the Planning Commission subject to approval by the Board of Estimate.

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